

forces and armed groups; however, the government made no efforts to prosecute child soldiering crimes perpetrated by government and government-affiliated militias, armed opposition groups, and designated terrorists organizations. The government did not report investigating, prosecuting, or convicting suspected traffickers, nor did it investigate, prosecute, or convict government officials complicit in human trafficking, including officials who forcibly recruited and used child soldiers in combat and support roles. The government did not provide anti-trafficking training for officials.

## PROTECTION

The government did not identify or protect trafficking victims. The government failed to protect children from forcible recruitment and use as soldiers, human shields, and in support roles by government forces and pro-government armed groups, armed opposition groups, and terrorist organizations. Furthermore, the government arrested, detained, raped, tortured, and executed children, whom opposition groups forcibly recruited and used; the government made no efforts to exempt these children from punishment or to offer them any protection services. The government neither encouraged trafficking victims to assist in investigations or prosecutions of their traffickers nor provided foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

## PREVENTION

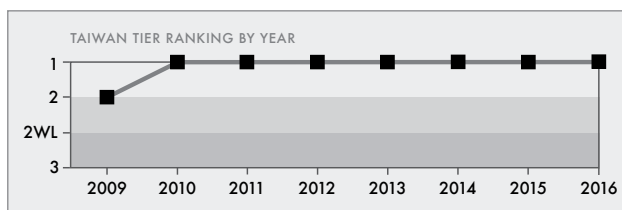
The government did not prevent human trafficking; the government's actions continued to amplify the magnitude of human trafficking crimes. The government failed to implement measures to prevent children from recruitment and use as combatants and in support roles by government, government-affiliated militias, opposition armed groups, and terrorist organizations. The government did not raise awareness of human trafficking among the general public or officials. The government did not report efforts to reduce the demand for commercial sex acts or forced labor, nor did it prevent child sex tourism by Syrian nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

## TAIWAN: Tier 1

Taiwan is a destination for men and women subjected to forced labor and sex trafficking and, to a lesser extent, a source of men and women subjected to forced labor and of women and children subjected to sex trafficking. Most trafficking victims are migrant workers from Indonesia, the Philippines, Thailand, Vietnam, and to a lesser extent, individuals from China and Cambodia. Most of Taiwan's more than 587,000 migrant workers are hired in their home countries through recruitment agencies and brokers, some of which are from Taiwan, to perform low-skilled work as home caregivers and domestic workers, or in farming, manufacturing, construction, and fishing industries. Some migrant workers are charged exorbitantly high recruitment fees, resulting in substantial debts used by brokers or employers as tools of coercion to obtain or retain their labor. After recruitment fee repayments are garnished from their wages, many foreign workers in Taiwan earn significantly less than the minimum wage. Domestic workers and home caregivers are especially vulnerable to exploitation, since they often live in their employers' residences, making it difficult to monitor their working and living conditions. Brokers in Taiwan often assist employers in forcibly deporting "problematic" foreign

employees should they complain, enabling the broker to fill the empty positions with new foreign workers and continually use debt bondage to control the work force. Documented and undocumented fishermen on Taiwan-flagged fishing vessels, mostly from China, Indonesia, and Vietnam, experience non- or under-payment of wages, long working hours, physical abuse, lack of food, and poor living conditions, which are indicators of trafficking. Women from China and Southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking. There have been reports of men and women from Taiwan engaged in illegal business operations overseas that present indicators of human trafficking, as well as women from Taiwan being lured into forced prostitution in the United States.

Taiwan authorities fully meet the minimum standards for the elimination of trafficking. During the reporting period, authorities continued to prosecute trafficking offenses, including both forced labor and sex trafficking, trained law enforcement and other officials on trafficking indicators, took steps to make the system of direct hiring of employees without the use of brokers more accessible, promulgated interagency procedures for handling cases involving trafficking of foreign workers on fishing vessels, and raised public awareness of trafficking. There were, however, no arrests or convictions for trafficking violations on Taiwan fishing vessels. Prosecutors and judges continued to treat many cases involving trafficking indicators as lesser crimes and, in many cases, sentenced traffickers to lenient penalties not proportionate to the crimes.



## RECOMMENDATIONS FOR TAIWAN:

Increase efforts to prosecute and convict traffickers under Taiwan's anti-trafficking law; sentence convicted traffickers to sufficiently stringent punishments; vigorously investigate and prosecute, using the newly established procedures, the owners of Taiwan-owned or -flagged fishing vessels that allegedly commit abuse and labor trafficking onboard long haul fishing vessels; clearly define roles and responsibilities for the agencies that oversee Taiwan-flagged fishing vessels; differentiate the process of victim identification from prosecution, such that victim identification is not tied to the successful prosecution of traffickers; increase efforts to reduce brokers' exploitation of migrant workers by continuing to simplify the process of direct hiring and build public awareness of the Direct Hiring Service Center and by strengthening broker evaluation and accountability systems; improve the effectiveness of anti-trafficking training and increase prosecutors' and judges' understanding of human trafficking; pursue legislative changes that would address gaps in basic labor protections for household caregivers and domestic workers; establish a systematic information-sharing process to foster more robust interagency anti-trafficking coordination; enhance cross-border efforts to identify victims and prosecute offenders; and continue efforts to increase public awareness of all forms of trafficking.

## PROSECUTION

Authorities sustained anti-trafficking law enforcement efforts. Taiwan's Human Trafficking Prevention and Control Act

(HTPCA) prohibits sex and labor trafficking and prescribes penalties of up to seven years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Despite the anti-trafficking law, authorities prosecuted the majority of trafficking cases under other laws, such as the criminal code, and the Children and Youth Sexual Transaction Prevention Act.

Authorities initiated prosecutions against 30 suspected traffickers, compared with 71 in 2014, and convicted 22 traffickers, compared with 17 in 2014, under the HTPCA; sentences imposed on the majority of the traffickers were six months to less than one year, which are inadequate to serve as an effective deterrent to the commission of trafficking crimes. Under the Children and Youth Sexual Transaction Prevention Act, authorities initiated prosecutions against 30 alleged traffickers, compared with 57 in 2014, and convicted 31 traffickers, compared with 25 in 2014, with the majority receiving sentences of three to five years' imprisonment. Under the criminal code, authorities initiated prosecutions against 50 alleged traffickers, compared with nine in 2014. In 2014 a Cambodian court convicted six Taiwan nationals for enslaving 74 Cambodians onboard Taiwan fishing vessels, but at the end of the reporting period Taiwan's investigation was still underway, and Taiwan authorities had not convicted any traffickers associated with this case (five of the six remained at-large in Taiwan). During the year, authorities continued to train law enforcement officers, prosecutors, and judges through various workshops, seminars, and conferences; however, many prosecutors and judges continued to demonstrate a limited understanding of trafficking crimes. As part of the Ministry of the Interior's action plan to eliminate sexual crime, Taiwan police arrested over 10,000 suspects accused of lewd and lascivious acts. Authorities did not report any investigations, prosecutions, or convictions of Taiwan officials complicit in human trafficking offenses.

## PROTECTION

Authorities sustained efforts to protect victims of trafficking. Authorities identified 278 trafficking victims (197 sex trafficking victims and 81 forced labor victims), compared with 292 in 2014; 192 of these victims were referred to shelters for assistance. Law enforcement officials used standardized questions and evaluation forms when interviewing and referring potential trafficking victims, including screening foreigners with immigration violations for indicators of trafficking. The National Immigration Agency (NIA) operated three shelters dedicated to trafficking victims, and the Ministry of Labor subsidized an additional 20 shelters and a 24-hour hotline trafficking victims could access. These shelters provided trafficking victims—both men and women—with medical and psychological services, legal counseling, vocational training, small stipends, interpretation, and repatriation assistance. Authorities encouraged victims to participate in investigations against their traffickers by offering temporary residence and work permits. Authorities made available permanent residence visas to foreign trafficking victims who faced retribution or hardship if they returned to their country of origin. Victims were able to obtain restitution or file civil suits against traffickers, and one victim was awarded civil restitution during the reporting period. Although victims could receive immunity for crimes committed as a result of being subjected to trafficking, NGOs reported authorities occasionally treated trafficking victims as criminals. NGOs also noted authorities did not permit victims from China to stay in non-NIA operated shelters and were deported if courts found them not to be trafficking victims, unlike other victims

who could remain in NGO-operated shelters even if a judge determined they were not trafficking victims.

## PREVENTION

Authorities sustained efforts to prevent trafficking through numerous awareness campaigns, workshops, and conferences. A cabinet-level minister-without-portfolio continued to implement the national plan of action and oversee an interagency working group, which met twice in 2015. Various agencies continued to fund advertisements and public service announcements on human trafficking prevention in newspapers, magazines, and on the radio; distributed anti-trafficking materials; and held trainings for vulnerable populations, such as youth, foreign spouses, and fishing sector workers. Authorities continued to operate foreign-worker service stations and international airport service counters around Taiwan to assist migrant workers and educate them on their rights. To address exploitation associated with labor recruitment, authorities fined 89 perpetrators in cases of illegal brokerage activities and excessive fees and ordered 12 of those individuals to terminate business operations. Authorities streamlined procedures to allow employers to hire foreign workers directly through the Direct Hiring Service Center, instead of utilizing brokers. Most employers; however, continued to deem it easier and more expedient to hire brokers. Taiwan's laws criminalize sexual exploitation of children by Taiwan passport holders traveling abroad, but authorities have not investigated or prosecuted any child sex tourism offenses committed abroad since 2006. Authorities made efforts to reduce the demand for commercial sex acts and forced labor. Authorities provided anti-trafficking training for diplomatic personnel.

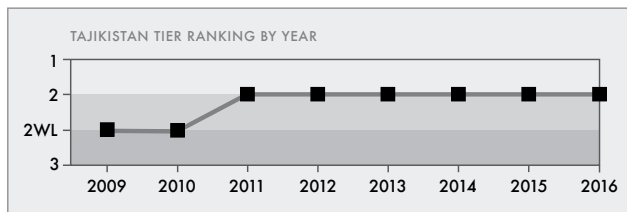
## TAJIKISTAN: Tier 2

Tajikistan is a source and, to a lesser extent, destination country for men, women, and children subjected to forced labor, and a source country for women and children subjected to sex trafficking. Extensive economic migration exposes Tajik men, women, and children to exploitation. Tajik men and women are subjected to forced labor in agriculture and construction in Russia, United Arab Emirates (UAE), and, to a lesser extent, in neighboring Central Asian countries. Women and children from Tajikistan are subjected to sex trafficking primarily in UAE and Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan.

Women are increasingly vulnerable to trafficking after they are informally divorced from their absent migrant husbands and need to provide for their families. Some women who traveled to Syria or Iraq with promises of marriage were instead sold into sexual slavery. Tajik women and girls are transported to Afghanistan for the purpose of forced marriage, which can lead to sex trafficking and debt bondage. Tajik children are subjected to sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan. Tajik children and adults may be subjected to agricultural forced labor in Tajikistan—mainly during the fall cotton harvest. Afghan and Bangladeshi citizens are vulnerable to forced labor in Tajikistan.

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made increased law enforcement efforts, initiating prosecution of 24 suspected traffickers and convicting 10. The government made slow

progress in the implementation of its 2014 law, Counteracting Trafficking in Persons and Providing Support to Victims of Trafficking in Persons, which created a legal framework for designating a person a “victim of trafficking” and established programs to protect and provide services to such victims. The government offered training for government officials on identifying, investigating, and prosecuting trafficking crimes, but continued to lack procedures to identify trafficking victims proactively among vulnerable populations and remained unable to provide adequate victim protection services. In particular, budget limitations and high turnover of officials with the necessary specialized knowledge to assist trafficking victims constrained such efforts. Nonetheless, the government increased its anti-trafficking law enforcement efforts, investigating and prosecuting an increased number of cases in 2015.



## RECOMMENDATIONS FOR TAJIKISTAN:

While respecting due process, vigorously investigate and prosecute suspected trafficking offenders, including officials complicit in trafficking, and convict and appropriately sentence perpetrators; develop standard operating procedures for identifying trafficking victims; dedicate funding or provide in-kind assistance specifically for combating human trafficking and offering comprehensive victim assistance; protect victims and encourage their assistance in the investigation and prosecution of traffickers; continue to enforce the prohibition against the forced labor of children in the annual cotton harvest by inspecting fields during the harvest in collaboration with local officials and NGOs; train law enforcement to screen men and women in prostitution for signs of trafficking and ensure sex trafficking victims are not penalized for prostitution offenses; improve the collection of anti-trafficking law enforcement data; approve a national action plan and national referral mechanism for assisting trafficking victims; ensure the inter-ministerial commission meets quarterly to continue coordinating governmental anti-trafficking efforts; and provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement or facilitation of trafficking crimes.

## PROSECUTION

The government increased its anti-trafficking law enforcement efforts. Article 130.1 of the 2003 criminal code, amended in 2004 and 2008, prohibits all forms of trafficking, including the use of force, fraud, or coercion for the purpose of sexual exploitation and forced labor. The article prescribes penalties of five to 15 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Article 130.1 does not, however, criminalize the prostitution of minors as trafficking without regard to the use of coercive means, as required by international law. Article 132 criminalizes recruitment for sexual or other exploitation through fraud—but not if done by coercion—and carries a maximum penalty of five years. Contrary to international law, it also does not criminalize child sex trafficking in the

absence of force, fraud, or coercion. Article 167 prohibits the buying and selling of children, prescribing five to 15 years' imprisonment; this provision goes beyond the scope of trafficking, as it does not require that exploitation be the intent of the transaction. Several other amendments to the criminal code include trafficking crimes; for example, article 130.2, “Use of Slave Labor”, and article 241.2, “Use of minors with the purpose of production of pornographic materials and products.” In 2015, Tajikistan's Inter-ministerial Commission to Combat Trafficking in Persons led a working group to harmonize and ensure uniformity between existing legislation and the 2014 law, more clearly delineate interagency responsibilities, enable effective implementation of the 2014 law, and establish a state fund for trafficking victim services.

The government investigated 25 cases, involving 39 suspected traffickers, and prosecuted 13 cases, involving 24 suspected traffickers in 2015, an increase from 28 suspected traffickers investigated and 22 prosecuted in 2014. Courts convicted 10 traffickers, with sentences ranging from six months' to 12.5 years' imprisonment and with a median sentence of six years' imprisonment, compared with one conviction in 2014. Endemic corruption inhibited law enforcement action during the year and facilitated trafficking across borders and through inspection points; however, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government continued modest efforts to identify and assist trafficking victims. The government made slow progress in implementing the 2014 Law on Counteracting Trafficking in Persons and Providing Support to Victims of Trafficking in Persons, enacted during the previous reporting period, which extensively defined human trafficking; outlined victim services and government standards for service delivery among providers, including governmental agencies and NGOs; and created a national referral mechanism. In partnership with NGOs, the government delivered training for officials on victim-centered approaches to identifying, investigating, and providing services to trafficking victims. However, these services will not be available to victims until existing legislation is amended to align with the 2014 law.

Authorities remained without a formal system for identifying and referring victims to assistance during the reporting period, as the referral mechanism remained under review. Officials sometimes temporarily detained sex trafficking victims, but later released and referred them for assistance. Furthermore, as law enforcement officials did not attempt to identify trafficking victims proactively among men and women in prostitution, it was possible officials prosecuted or penalized sex trafficking victims for prostitution crimes. During the reporting period, the government identified and referred eight victims to international organizations for assistance, a decrease from 26 victims in 2014. Civil society groups and international organizations provided protective services to 56 Tajik trafficking victims in 2015, including eight victims of sex trafficking.

The government did not directly provide shelter or services to victims; it relied on NGOs, which provided medical and psycho-social care, legal and vocational training, and assisted in family reunification. Although the government did not provide financial support to any organizations assisting trafficking victims, it funded the utilities for two shelters, one in Khujand, which closed in September 2015, and another in Dushanbe.



The government provided free basic education and vocational training to trafficking victims through its adult training centers. Despite provisions in the 2014 law for security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses and their advocates. The law provides foreign victims the right to request temporary legal residency, which can be extended for one year following the completion of a criminal case. The 2014 law does not link victim benefits to a victim's participation in a trial and provides victim services regardless of legal status or prior consent to participate in trafficking activities.

## PREVENTION

The government continued efforts to prevent human trafficking. The Ministry of Education continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest and conducted inspections of schools in cotton-growing districts to ensure students remained in attendance. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. NGOs monitored the cotton harvest in 17 districts, and did not report any evidence of forced child labor.

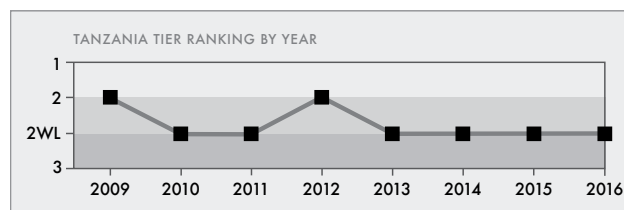
The 2014 law established a framework for the government to address human trafficking, and a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. In May 2015, the government appointed a chair to the commission, which held its first dialogue in October 2015, after nearly two years of inactivity. The government drafted, but has not yet approved, its 2014-2016 national action plan. The Committee for Youth, Sports and Tourism and the Ministry of Internal Affairs' anti-trafficking department jointly operated a hotline to receive calls from female victims of crime, including trafficking. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students. The government supported training on victim identification and protection for consular officers, but did not provide any other anti-trafficking training for its diplomatic personnel. Tajik law requires entities engaged in labor recruitment abroad obtain licenses from migration authorities. The Tajik Migration Service provided migrants with information on the risk of trafficking prior to travel abroad. In partnership with the migration service, lawyers employed by an international organization provided legal consultation on migration and trafficking for victims at migration service support centers. The government made efforts to reduce the demand for commercial sex by investigating and prosecuting consumers of commercial sex. The government did not report any efforts to reduce the demand for forced labor.

## TANZANIA: Tier 2 Watch List

Tanzania is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking and characteristically facilitated by victims' family members, friends, or intermediaries offering assistance with education or securing employment in urban areas. Impoverished children from the rural interior remain most vulnerable to trafficking. Girls are exploited in domestic servitude throughout the country and sex trafficking particularly in tourist hubs and along the border with Kenya. Boys are

subjected to forced labor on farms—including as cattle herders and occasionally as hunters—and in mines and quarries, the informal commercial sector, and on fishing vessels operating on the high seas, as well as in sex trafficking. Some unscrupulous individuals manipulate the traditional practice of child fostering—in which poor children are entrusted into the care of wealthier relatives or respected community members—to subject children to domestic servitude and other forms of exploitative labor. Previous media reports indicate Tanzanian children with physical disabilities are transported to Kenya for forced begging and girls are subjected to sex trafficking in China. Tanzanian nationals are sometimes subjected to forced labor, including domestic servitude, and sex trafficking in other African countries, the Middle East, Europe, and the United States. Trafficking victims from other countries—particularly children from Burundi and Kenya, as well as adults from India, Nepal, and Yemen—are forced to work in Tanzania's agricultural, mining, and domestic service sectors; some are also subjected to sex trafficking. Citizens of neighboring countries may transit Tanzania before being forced into domestic service or prostitution in South Africa, Europe, and the Middle East.

The Government of Tanzania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government allocated a sufficient budget to its anti-trafficking committee for the second consecutive year and closed 70 recruitment agencies suspected of fraudulently recruiting Tanzanians for employment in the Middle East. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Tanzania is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Tanzania was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. While the government updated its national action plan to incorporate implementing regulations for the 2008 anti-trafficking law, it did not widely apply the implementing regulations for the 2008 anti-trafficking law to overhaul its victim protection capabilities. The government has not allocated funding to its victims' assistance fund since its creation in 2008. The government obtained one conviction and sentenced the trafficker to an unprecedented one-year prison term; however, reforms to mandate stringent jail sentences for trafficking crimes in lieu of fines did not progress during the year and law enforcement efforts remained disproportionate to the prevalence of the crime.



## RECOMMENDATIONS FOR TANZANIA:

Increase efforts to enforce the 2008 Anti-Trafficking in Persons Act by prosecuting trafficking offenses, convicting trafficking offenders, and applying stringent penalties upon conviction; amend the anti-trafficking act to remove the sentencing provision of fines in lieu of prison time; operationalize the updated 2015-2017 national action plan to fully implement the protection provisions of the anti-trafficking act, as outlined

in the implementing regulations, including by allocating resources to the victim assistance fund; implement policies and procedures for government officials to proactively identify potential trafficking victims among vulnerable groups and refer them to protective services; train judges and prosecutors to delineate differences between trafficking and smuggling; provide training to law enforcement authorities on how to effectively detect and investigate trafficking crimes; compile trafficking-specific law enforcement and victim protection data at the national level; and continue budget allocation for the anti-trafficking committee and anti-trafficking secretariat to implement the national action plan to combat trafficking.

## PROSECUTION

The government maintained its limited anti-trafficking law enforcement efforts. The 2008 Anti-Trafficking in Persons Act prohibits all forms of trafficking and prescribes punishments of one to 10 years' imprisonment or a fine between 1 and 150 million Tanzanian shillings (TZS) (\$465 and \$70,000), or both. For sentences that only include a fine, penalties are not sufficiently stringent or commensurate with those prescribed for other serious crimes, such as rape. A provision allowing offenders to pay a fine in lieu of serving prison time is insufficient to the gravity of the crime and an ineffective deterrent. The government remained without a system to compile comprehensive law enforcement statistics and relied on press reports or officials' recollections. In 2015, the government reportedly initiated investigations of 12 suspected trafficking cases, but dismissed 10, in comparison to the four cases it investigated during the previous year. It reported 10 prosecutions in 2015, an increase from five in 2014, and convicted one individual, who was sentenced to one year in prison after the defendant was deemed by the judge to be unable to pay the imposed fine. Four prosecutions initiated the previous year remained pending at the close of the reporting period. The government continued to include human trafficking components into standard police academy training for an unknown number of new recruits. The government also incorporated trafficking information into the curricula of a gazetted training for law enforcement officials, including root causes and effective use of victim referral manuals. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses; however, general corruption within the judicial system remained an issue.

## PROTECTION

The government provided insufficient and uneven protective services for trafficking victims. Officials remained without comprehensive statistics to track victims identified or assisted. During the reporting year, officials inconsistently applied the implementing regulations for the protection provisions of the 2008 anti-trafficking law. For example, officials did not establish a statistical database to track and compile information on victims identified and referred for protective services, which the implementing regulations required. In addition, although the implementing regulations required police and immigration authorities to follow standardized procedures for victim investigation, identification, and referral, such procedures were not widely used in 2015. An international organization reported it identified 45 domestic and five foreign potential trafficking victims. The government did not identify any victims during the year, however, which marks a reduction from the 22 foreign victims it identified the previous year. The government relied primarily on NGOs to operate shelters for trafficking victims, though government officials continued to provide

psycho-social support for the victims in those shelters and streamlined referral services to enable government officials to more effectively place victims in such shelters. During the previous year the government supported the repatriation of 22 victims and provided them with protection and housing.

There were no reports the government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. While implementing regulations mandated the government to proactively assess for potential trafficking indicators among vulnerable groups, officials detained a large number of African migrants for immigration offenses without such screening during the reporting year. The 2008 anti-trafficking law provides foreign victims legal alternatives to their removal to countries where their safety or the safety of their families may be endangered. In 2015, the government provided an unknown number of foreign victims with travel documents and safe passage to respective country borders. It diplomatically facilitated repatriation with foreign governments or attempted to resettle victims in a third country; the government did not grant residency or temporary stay to any victims during the reporting period.

## PREVENTION

The government slightly increased its efforts to prevent trafficking. For the second consecutive year, the government allocated a budget of TZS 80 million (\$37,000) to its anti-trafficking committee. In February 2015, the anti-trafficking committee drafted an updated national action plan, effective through 2017, which incorporated the implementing regulations of the 2008 anti-trafficking law; however, the extent to which the government implemented the revised plan or allotted funding for its implementation was unknown, although it did commit in-kind support. During the reporting period, the government closed 70 recruitment agencies that were alleged to be complicit in subjecting Tanzanians to forced labor in the Middle East under pretenses of employment. Local officials in the semi-autonomous region of Zanzibar continued to conduct anti-trafficking public awareness campaigns across the island, and immigration officials on the mainland disseminated informational brochures on trafficking for use at public events; however, the government remained without sufficient resources to effectively sensitize the public on trafficking issues. Officials made no discernible efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. A foreign donor facilitated specialized anti-trafficking training for Tanzanian troops prior to their deployment abroad on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

## THAILAND: Tier 2 Watch List

Thailand is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Thai victims of trafficking and some of the estimated three to four million migrant workers in Thailand are forced, coerced, or defrauded into labor or sex trafficking. Some labor trafficking victims are exploited in commercial fishing and related industries, factories, agriculture, and domestic work, or forced into street begging. Migrant workers who are trafficking victims may be deported without effective screening for indicators of trafficking. Sex trafficking remains a significant problem in Thailand's extensive commercial sex industry.

Women, men, boys, and girls from Thailand, Laos, Cambodia, Vietnam, and Burma are subjected to labor and sex trafficking in Thailand. Thailand is also a transit country for victims from China, North Korea, Vietnam, Bangladesh, India, and Burma subjected to sex trafficking or forced labor in countries such as Malaysia, Indonesia, Singapore, Russia, South Korea, the United States, and countries in Western Europe. Thai nationals have been subjected to forced labor and sex trafficking in Thailand and in countries in North America, Europe, Africa, Asia, and the Middle East. Members of ethnic minorities, highland persons, and stateless persons in Thailand have experienced instances of abuse indicative of trafficking. Children from Thailand, Burma, Laos, and Cambodia are victims of sex trafficking in brothels, massage parlors, bars, karaoke lounges, hotel rooms, and private residences. Local NGOs report the use of social media to recruit children into sex trafficking. Some parents or brokers force children from Thailand, Cambodia, and Burma to sell flowers, beg, or work in domestic service in urban areas. Reports indicate separatist groups in southern Thailand continue to recruit and use children to commit acts of arson or serve as scouts.

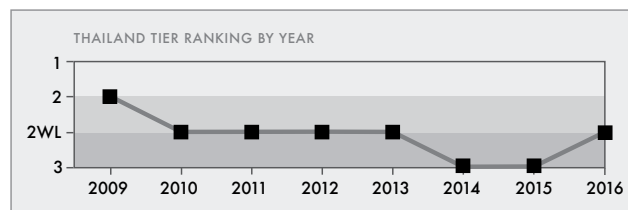
Many foreign trafficking victims migrate willingly to Thailand seeking employment, often with the assistance of relatives and community members or informal recruitment networks. Most migrate through irregular channels without identity documents or travel documents from their countries of origin. Instances of human trafficking, smuggling, abduction, and extortion of migrants occur as migrants move between Thailand and neighboring countries. Traffickers, including registered and unregistered labor brokers of Thai and foreign nationalities, bring foreign victims into Thailand through both formal migration and smuggling routes and serve as intermediaries between job-seekers and employers. Some brokers charge substantial fees or collaborate with corrupt law enforcement officials, and some migrant workers incur significant debts to obtain employment and are subjected to debt bondage. A number of brokers and employers continue to confiscate identity documents. Thai men and women who migrate overseas also rely on registered and unregistered labor brokers to facilitate acquisition of low-skilled contract work or agricultural labor and are sometimes subjected to conditions of forced labor and debt bondage.

Trafficking in the fishing industry remains a significant concern. Thai, Burmese, Cambodian, and Indonesian men are subject to forced labor on Thai and foreign-owned fishing boats. Some remain at sea for several years, are paid very little or irregularly, work as much as 18 to 20 hours per day for seven days a week, or are reportedly threatened, physically beaten, drugged to work longer, and even killed for becoming ill, attempting to escape, or disobeying orders. Some trafficking victims in the fishing sector had difficulty returning home due to isolated workplaces, unpaid wages, and the lack of legitimate identity documents or safe means to travel.

Corruption continues to undermine anti-trafficking efforts. Reports persist that some government officials are directly complicit. Migrant workers, especially those who are undocumented, are fearful of reporting trafficking crimes and cooperating with authorities due to minimal protections both in Thailand and in countries of origin and lack of awareness of their rights. Reports persist that some government officials profit from bribes and direct involvement in the extortion of migrants and their sale to brokers. Some of these migrants are kidnapped and held for ransom, which increases their vulnerability to sexual servitude, forced labor, or debt bondage. Some officials

allegedly profit from trafficking and other criminal offenses committed against trafficking victims. Credible reports indicate some corrupt officials protect brothels and other commercial sex venues from raids and inspections and collude with traffickers.

The Government of Thailand does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government amended its 2008 anti-trafficking laws and other laws related to forced labor in the fishing and seafood industry, which increased criminal and civil penalties on traffickers, allowed for the closure of businesses involved in forced labor, and provided legal protection for whistleblowers. The government increased the numbers of investigations, prosecutions, convictions, and victims identified in 2015, compared with 2014. Labor trafficking investigations increased; however widespread forced labor in Thailand's seafood sector continued to occur. The government increased efforts to hold government officials complicit in trafficking crimes criminally accountable; however, official complicity continued to impede progress in combating trafficking. The government established a specialized anti-trafficking prosecution division and an anti-trafficking court division and increased anti-trafficking training for police, prosecutors, judges, labor inspectors, social workers, and navy personnel. Multidisciplinary teams inspected sea vessels and land-based seafood processing workplaces and found 430 cases of labor violations, including human trafficking cases. The government solicited multi-stakeholder feedback to improve victim identification questions and procedures and hired more interpreters; however effective, proactive screening for victims remained limited, and officials often failed to identify trafficking cases involving non-physical coercion or debt bondage. Only 10 percent of trafficking victims in government shelters worked outside of shelters during the reporting period. The government did not provide legal alternatives to victims who faced retribution or hardship upon return to their home countries. The court dismissed criminal defamation cases against two journalists who reported on trafficking and official complicity; however, fear of retaliation or defamation suits discouraged reporting on trafficking crimes.



## RECOMMENDATIONS FOR THAILAND:

Prosecute officials allegedly complicit in trafficking, and convict and punish those found guilty with sufficiently stringent sentences; increase efforts to identify victims among vulnerable populations, including migrants, stateless persons, children, and refugees; prosecute and convict traffickers through proactive law enforcement and systematic cooperation with civil society; increase resources for the specialized human trafficking investigation, prosecution, and court divisions; increase training and resources for multidisciplinary teams, including labor inspectors, at ports and on vessels to better detect indicators of forced labor and debt bondage, and refer cases for criminal investigation; improve the consistency for victim identification, screening, and interview procedures, and prioritize the rights and safety of potential victims; increase roles of labor inspectors in actively screening and assisting potential labor trafficking victims; regulate, investigate, and



improve labor recruitment practices for migrant workers; fully implement new rules conferring legal status and work permits for trafficking victims and ensure that adult trafficking victims be able to travel, work, and reside outside shelters in accordance with the anti-trafficking law; continue to increase the availability of qualified interpretation services across government agencies with responsibilities for protecting workers, migrants, refugees, and victims of trafficking; enhance government capacity to implement anti-trafficking laws and regulations, especially at state and local levels; foster press freedom including on human trafficking reporting; promote an environment conducive to robust civil society participation in all facets of fighting human trafficking; increase incentives for victims to cooperate with law enforcement in the investigation and prosecution of trafficking cases, including by providing foreign trafficking victims legal alternatives to deportation to countries in which they would face retribution or hardship and providing witness protection services; continue to develop specialized law enforcement and social welfare services for child sex trafficking victims; continue to increase anti-trafficking awareness efforts directed at employers and clients of the sex trade, including sex tourists; and improve migrant workers' rights, legal status, and labor migration policies to minimize the risk of trafficking.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties ranging from four to 10 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. A 2015 amendment to the law imposed harsher penalties in cases resulting in death, to include up to life imprisonment and a maximum fine of 400,000 baht (\$13,333). The amendment also includes measures to protect whistleblowers and gives authorities power to temporarily halt operations and immediately suspend licenses of businesses involved in human trafficking. An October 2015 amendment to the Anti-Money Laundering Act enabled the Anti-Money Laundering Office (AMLO) to freeze assets with a court order during trafficking investigations and to allocate a portion of the seized assets to victim compensation.

The government reported investigating 317 trafficking cases (280 in 2014), prosecuting 242 traffickers (155 in 2014) and convicting 241 traffickers (104 in 2014). Despite the prevalence of forced labor in Thailand, the government reported only 72 investigations (58 in 2014) involving suspected cases of forced labor and prosecuted only 33 cases of forced labor involving 71 suspected traffickers. The government did not report how many convictions it obtained for forced labor. Sixty-four percent (29 percent in 2014) of convicted traffickers received prison sentences greater than five years; and 84 percent (68 percent in 2014) received sentences of more than three years' imprisonment. AMLO investigated 40 cases reportedly tied to human trafficking. It reported dropping four cases, and the other 36 remained pending.

The government initiated prosecutions of cases involving abused Rohingya asylum-seekers and Bangladeshi migrants, some of whom were suspected trafficking victims. Of the 155 arrest warrants issued, 92 perpetrators were arrested during the reporting period, including a senior military officer, and several other police, military, and local officials. All were charged with human trafficking offenses, as well as other related criminal charges. AMLO seized 210 million baht (\$5.8 million) and provided evidence of related financial transactions for use in

ongoing criminal proceedings. Court proceedings for the cases were expected to last several years. Despite new whistleblower protections, one of the lead police investigators resigned and subsequently left the country, reportedly in fear for his safety.

The government investigated ship owners, captains, and brokers for labor trafficking in the fishing industry in 41 cases, with 31 vessels seized; 24 of the cases related to the Indonesian islands of Ambon and Benjina in which the government issued arrest warrants for 98 suspects, 19 of whom have been arrested. Most cases remain under prosecution, but in one case the criminal court sentenced one broker to 12 years and six months' imprisonment. Of the 1,476 Thai workers who returned to Thailand from Indonesia, the government identified 57 trafficking victims and assisted 150 workers subjected to wage violations; however, companies reportedly sent home others to avoid allegations of trafficking. With evidence from an NGO, the government arrested and began prosecution of a business owner in Kantang province and seven others during the reporting period in connection to an investigation into forced labor on fishing boats started in 2013. Fifteen perpetrators, including a former Buddhist abbot and a former military officer, were arrested in a case involving seven child sex trafficking victims. The former Buddhist abbot was sentenced to 50 years' imprisonment. A local NGO noted that the number of child beggars overall fell significantly due to the government's policy of seeking out and disrupting street begging rings. The government successfully prosecuted two cases of child forced labor and one case of child forced begging.

The government enacted legislation in December 2015 that criminalizes the possession and distribution of child pornography and leveraged the new legislation to build probable cause in cases involving internet-facilitated child trafficking and sexual exploitation. Foreign and Thai traffickers were arrested and charged with crimes including sex trafficking following the creation of the Thai Internet Crimes Against Children (TICAC) Task Force. TICAC represents a multi-agency and multidisciplinary response to child trafficking in the digital age. TICAC officers have made several arrests and enforcement actions that have resulted in human trafficking charges.

The government maintained robust anti-trafficking training efforts. It funded anti-trafficking training for 2,640 police, prosecutors, judges, labor inspectors, social workers, and navy personnel. Separate trainings focused on amendments to the 2008 Anti-Trafficking Act, guidelines on forced labor and debt bondage, joint inspections of human trafficking in the fishing industry, victim identification, child-friendly and gender-sensitive investigation procedures, and enhanced cooperation within the judiciary on human trafficking. Law enforcement officials cooperated with foreign counterparts to investigate foreign nationals involved in child sex trafficking and Thai national sex trafficking victims abroad. While there have been improvements in coordination between prosecutors and police and in the trafficking expertise of the multidisciplinary teams, limited interagency coordination and frequent personnel changes among law enforcement, prosecutors, and multidisciplinary team members hindered prosecution efforts. The government continued efforts to establish a national database that could improve interagency information sharing.

The government established specialized anti-human trafficking divisions within the Bangkok Criminal Court and the Office of the Attorney General in 2015 to address the need for quicker judgments and trafficking expertise among prosecutors and judges. The government reported that, on average, judgments

were rendered more quickly than in prior years with more than 43 percent of cases convicted within six months, although some trafficking cases continued to take two years or longer to complete. Some victims were reluctant to remain in shelters while waiting to participate in lengthy trials. With the new anti-trafficking division, the government stated new cases should be completed within one year. Some suspected offenders fled the country or intimidated victims after judges granted bail, further contributing to a climate of impunity for trafficking crimes. The government amended the Criminal Procedure Act No. 30, effective on December 2015, to require the court to be more stringent in considering bail requests.

The government made some efforts to address official complicity, but corruption and official complicity in trafficking crimes continued to impede anti-trafficking efforts. In 2015 it filed criminal charges against 34 officials, including several mid- to high-level officials for involvement in human trafficking, as compared with seven officials charged in 2014. The government also reported investigating five additional cases involving several officials who received bribes from entertainment venues where victims of trafficking were found. Of the seven officials charged in 2014, five of those cases remain pending while two were convicted in 2015. One local administrative official was convicted of charges of subjecting a Rohingya man to trafficking in 2015, sentenced to 22 years and six months in prison, and ordered to pay 126,900 baht (\$3,520) in compensation to the victim. A second official was sentenced to 16 years' imprisonment and ordered to pay 60,000 baht (\$1,708) in compensation to each of six sex trafficking victims. The government issued an administrative order to prevent public officials' involvement in trafficking and clearly define complicity as any sort of facilitation of trafficking. The order requires commanding officers to take action within 10 days on any allegations, encourages monetary rewards for those who come forward with actionable reports of official complicity, and established a national committee to coordinate anti-complicity policy. Given the extensive nature of corruption, however, efforts to combat trafficking-related corruption, including official involvement, remained insufficient. Fear of defamation suits or retaliation likely discouraged some journalists, government officials, and civil society members from reporting and law enforcement officials from pursuing trafficking cases.

## PROTECTION

The government maintained efforts to identify and protect trafficking victims, although overall victim screening and protection efforts remained inadequate. The government identified 720 trafficking victims in 2015, compared with 595 victims in 2014. The Ministry of Social Development and Human Security (MSDHS) reported providing assistance to 471 victims at government shelters (compared with 303 in 2014), including 126 Thai victims (67 in 2014) and 345 foreign victims (236 in 2014); 320 were victims of forced labor and 151 were victims of sex trafficking. Authorities assisted in the repatriation of 401 victims (211 Thai victims and 190 foreign victims). Thailand signed onto the ASEAN Convention against Trafficking in Persons, especially women and children (ACTIP) on November 21, 2015.

The government improved victim identification procedures, but proactive screening remained inadequate. There continued to be insufficient interpreters available in some areas; an uneven understanding of trafficking indicators among front-line officers; and a lack of private spaces to screen potential victims. The government successfully registered 138 qualified

interpreters and trained 89 volunteer interpreters. It trained 910 police officers and 300 other government officials on victim identification and referral systems. It also deployed multidisciplinary teams in some cases to screen for indications of trafficking among women in prostitution and potential victims of child sex trafficking. Thai workers, some Rohingya and Bangladeshi migrants identified during raids or onboard fishing vessels, and other vulnerable populations. Multidisciplinary teams' composition and level of expertise varied; some were very effective in interviewing potential victims, while others lacked adequate training or protocols to conduct effective screening. Some law enforcement officers failed to recognize debt bondage (exploitive debt) or traffickers' manipulation of undocumented migrants' fear of deportation as non-physical indicators of trafficking. Investigators and multidisciplinary teams may also have failed to recognize trafficking cases where victims originally consented to work, but were deceived about working conditions and subjected to trafficking conditions. Labor inspectors were not required to have a background in labor law and could be held personally liable for claims of abuse of power, which limited their ability to perform their work. The government continued to screen for trafficking indicators among fishermen returning to Thailand and on fishing vessels. Interviews were sometimes brief and conducted in open environments where brokers and ship captains were sometimes present in the same room, which may have led to many unidentified trafficking victims. Through consultations with civil society, the government revised its standard interview guide for potential trafficking victims that detailed indicators of forced labor and debt bondage; the new procedures were deployed in January 2016.

The government maintained the availability of protective services for victims. The government continued to refer victims to one of 76 short-stay shelters or one of nine long-term regional trafficking shelters run by the MSDHS, where they reportedly received counseling, legal assistance, and medical care, civil compensation and financial aid, victim/witness protection, education or vocational trainings and employment either inside or outside shelters. While multidisciplinary teams could conduct additional interviews with potential victims not initially identified as trafficking victims, many undocumented migrants were quickly deported or unwilling to collaborate due to fearing of long stays in shelters with limited employment opportunities, making this less effective in practice. As a result, some front-line immigration officers reportedly deported potential labor and sex trafficking victims. In some complicated cases, MSDHS hired human rights lawyers to be co-plaintiffs, participate in interviews, and coordinate and prepare witnesses for trial. Following a significant influx of Rohingya and Bangladeshi migrants in 2014-2015 and the discovery of largely abandoned smuggling/trafficking camps on the Thai-Malaysian border, 514 Rohingya and Bangladeshi remained in Thailand at the end of the reporting period. The government reported identifying 119 Rohingya and 83 Bangladeshi as trafficking victims. In coordination with UNHCR and IOM, 99 Rohingya resettled to a third country, while 146 were in the process of resettlement at the end of the reporting period; some of these were trafficking victims. There were likely additional trafficking victims among those not formally identified. Accommodations remained limited for Rohingya men not identified as trafficking victims due to insufficient space at immigration detention centers (IDCs). There have been reports of violence against several Rohingya men by IDC authorities.

Although most (53 percent) identified victims were younger than 18 years old, the government had limited specialized services



for child trafficking victims. Some children picked up in police raids were separated from their parents and, if undocumented, forced to choose between spending years in a shelter or being deported by themselves. However, police maintained effective cooperation with international law enforcement counterparts in child sex trafficking cases involving foreign perpetrators. Judicial officials did not always follow procedures to ensure the safety of witnesses; victims, including children, were at times forced to testify in front of alleged perpetrators or to disclose personal information such as their address, which put them at serious risk of retaliation. Although the government passed the Anti-Human Trafficking Amendment No. 2, reportedly to enhance protection and reduce the threat of intimidation against whistleblowers, NGOs reported witnesses remained vulnerable to intimidation even in government-run shelters. In response, the government expanded witness protection to 82 victims; many of whom were trafficking victims. NGOs reported concerns over the lack of appropriate options for foreign children whose families were complicit in their trafficking or who could not be identified.

The government did not make significant progress in ensuring that all adult trafficking victims were able to travel, work, and reside outside shelters as provided by Thailand's anti-trafficking law. Of the 497 victims in government shelters, the government issued 58 work permits and visas (compared with 57 in 2014), to work temporarily in Thailand during the course of legal proceedings. Only 47 victims worked outside the shelter. Others were either formally repatriated, chose not to work, could not find work, were too young to work, or accepted paid work in the shelter. On March 15, 2016, the Cabinet approved additional measures to permit migrant trafficking victims and witnesses to stay in Thailand for up to one year (previously six months), allowed foreign victims to renew work permits after the completion of a case, streamlined the process of obtaining work permits from 45 days to 10 days, and stated that all witnesses of human trafficking cases would be automatically entitled to the witness protection program. On February 2016, a new regulation on financial rewards and compensation came into force, which allows the government to disburse financial rewards and/or compensation of \$846 – \$2,828 for persons assisting in arrest and prosecution of human traffickers.

In 2015, the government disbursed 7.1 million baht (\$197,222) from its anti-trafficking fund to 472 victims (463 in 2014). The government filed petitions on behalf of 77 victims (57 in 2014) and received civil compensation of 3.3 million baht (\$93,020). The law protects victims from prosecution for acts committed as a result of being subjected to human trafficking; however, flaws in the government's victim identification procedures and its efforts to arrest and soft-deport immigration violators increased victims' risk of being re-victimized and treated as criminals. Unidentified victims were likely among migrants subjected to government citations for lack of proper documentation during the year detained in sometimes-overcrowded immigration detention facilities.

A 2005 cabinet resolution established stateless trafficking victims in Thailand could be given residency status on a case-by-case basis; however, the Thai government had yet to report granting residency status to a foreign or stateless trafficking victim. The government did not provide legal alternatives to victims who faced retribution or hardship upon return to their home countries but coordinated with international organizations to resettle 99 victims to a third country. The government systematically repatriated 401 Thai and foreign victims through a government-to-government process if they

were unwilling to testify or following the conclusion of legal proceedings.

## PREVENTION

The government maintained efforts to prevent trafficking. It significantly increased funding for migrant labor management and anti-trafficking efforts from 1.53 billion baht (\$42 million) in fiscal year 2015 to 2.08 billion baht (\$57 million) in fiscal year 2016. It conducted campaigns through radio, television, billboards, and handouts to raise public awareness of the dangers of human trafficking throughout the country. Given the low literacy rate and the diversity of languages among at-risk persons, however, this information remained inaccessible to many. The Ministry of Social Development and Human Security and the Ministry of Labor increased the number of non-Thai language speaking hotline operators, but NGOs deemed the quality of the service variable and at times insufficient in informing callers of whether labor laws had been violated.

In 2015, courts acquitted two journalists of criminal defamation after their 2013 reporting on Navy complicity in trafficking Rohingya in Thailand. Advocates, however, expressed concerns that ongoing cases against an anti-trafficking proponent, despite the dismissal of one case against him, had the effect of silencing other human rights advocates. A lead investigator on high-profile official corruption and trafficking cases resigned and reportedly sought asylum in Australia after publicly indicating he faced threats and intimidation. These developments impeded a climate conducive to preventing trafficking, discovering and reporting trafficking crimes, identifying victims, and apprehending additional traffickers.

The government strengthened border control enforcement to prevent the crossing of both traffickers and vulnerable populations. The government registered and offered work permits to 149,623 migrant workers in the fishing and seafood sector in an attempt to regularize their legal status in Thailand. The government made limited efforts to regulate recruiters or employment service agencies that provide service to migrant workers. While the number of migrant workers using the formal government-to-government migration system for foreign workers to work in Thailand modestly increased from 217,111 in 2014 to 279,311 in 2015, most migrant workers did not use this mechanism due to high costs tied to corruption on both sides of the border, lengthy processing times, and difficulties in changing employers. The Supreme Court ruled in August 2015 that employers could not deduct migration and documentation expenses from workers' wages. The government granted citizenship to 8,038 stateless persons, an increase from 5,667 in 2014.

The government acknowledged the labor shortage in the fishing sector was due in large part to some workers' unwillingness to work in the industry due to poor working and living conditions. The government established a Command Center for Combating Illegal Fishing (CCCIF) to combat illegal unreported and unregulated (IUU) fishing, and with some responsibilities to identify trafficking victims and improve working conditions. The CCCIF established 28 port-in-port-out centers, which perform inspections at port, at sea, and on land to ensure that fishing vessels are operating legally and workers have contracts, work permits, and identity documents. From May 2015 – January 2016, the multidisciplinary teams of the CCCIF inspected 8,398 vessels at sea and 152 on land seafood processing workplaces, in addition to port inspections. These inspections led to the investigation of 430 cases of labor violations under various laws,

four trafficking cases, suspension of operations at 19 workplaces, one arrest, and non-trafficking criminal charges against 27 workplaces for labor violations. A shortage of government interpreters meant, however, that many labor inspectors were unable to speak with many migrant workers, and interviews were often conducted in front of ship captains, which prevented workers from speaking freely. During the reporting period, 4,562 vessels were equipped with vessel monitoring technology, and the government approved and implemented regulations to prohibit workers younger than age 18 from working in seafood processing industries. Exploitative labor practices in the fishing industry, however, remained a significant issue, partly exacerbated by weak law enforcement, delays to hold business owners or boat captains criminally accountable, nascent efforts to improve data linkage among relevant agencies, and fragmented coordination among regulatory agencies. Due to training and staffing limitations, officials on multidisciplinary teams focused primarily on whether workers were in legal immigration status and had legal documentation, rather than on indicators of forced labor.

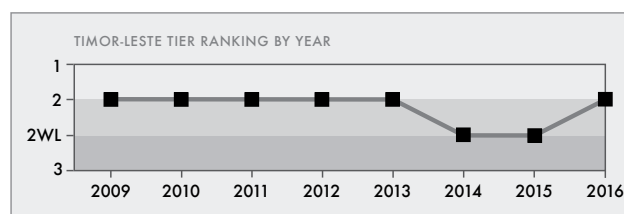
In 2015, the government found unlawful practices in 10 of the 433 labor recruitment agencies that facilitate overseas and domestic employment. For these cases, the government suspended the licenses of three agencies and filed criminal charges against seven agencies. It further initiated prosecutions against 68 illegal brokers under the Employment and Job-Seeker Protection Act in 73 cases involving 287 Thai laborers. The government also implemented government-to-government programs with four countries to reduce the costs to Thai workers going to work abroad in guest worker programs. The government, however, remained ineffective in regulating the excessive formal and informal fees incurred by some Thai workers to obtain employment abroad, which made them vulnerable to debt bondage or exploitative working and living conditions.

To prevent child sex tourism, the government reported it denied entry to 511 known foreign sex offenders, compared with 98 in 2014. The Ministry of Tourism organized four trainings for 647 local government officials, tourism sector workers, and civil society organizations on prevention of child sexual exploitation in the tourism industry, and held an anti-trafficking seminar for 200 members of the tourism industry. The government reported operating a surveillance network on child sex tourism by training business operators in high-risk areas to identify and report cases to the police. The government took steps to decrease the demand for commercial sex acts, including a public awareness campaign to inform tourists and Thai citizens of the severe criminal punishment of those found to be involved in child sexual exploitation. The government set up the Thai Internet Crimes Against Children Taskforce to combat internet-facilitated child sex trafficking and exploitation. The government made efforts to decrease demand in forced labor. It passed a new Royal Ordinance on Fisheries, which allows the government to close or revoke business licenses of a factory and significantly increase criminal penalties on employers in fishing and seafood processing facilities that employ workers without a permit to stay and work. The government investigated and prosecuted prominent forced labor cases in the export-oriented commercial fishing and seafood processing sectors this year involving 112 defendants and publicized the prosecutions in an attempt to decrease the demand for forced labor. The government provided anti-trafficking training to its diplomatic personnel.

## TIMOR-LESTE: Tier 2

Timor-Leste is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Timor-Leste may be a source for women and girls sent to Indonesia and other countries for domestic servitude. Timorese women, girls, and occasionally young males from rural areas are lured to the capital with the promise of better employment or education prospects and subjected to sex trafficking or domestic servitude; at least one village chief has been complicit in this form of trafficking. Timorese family members place children in bonded domestic and agricultural labor, primarily in rural areas but also in the United Kingdom, to pay off family debts. Foreign women, including those from Indonesia, China, and the Philippines, are vulnerable to sex trafficking in Timor-Leste. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates. Some NGOs report fishermen on foreign vessels operating in Timorese waters may be vulnerable to trafficking. Police may accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally. Police have been identified as clients of commercial sex venues investigated for suspected trafficking.

The Government of Timor-Leste does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government reported prosecuting six defendants and convicting two traffickers, though lack of details made it difficult to verify these were cases of human trafficking as defined in international law. The government reestablished the inter-ministerial working group on trafficking, designated the Ministry of Justice as the lead agency to coordinate its efforts, and finalized a national action plan to combat trafficking. Authorities did not employ formal procedures for victim identification, leaving some victims vulnerable to punishment for crimes committed as a direct result of trafficking. Although the overall availability of specialized services, shelter, or long-term support for victims was limited, the government reported providing services to 10 victims and referring additional victims to government-funded NGOs for support.



### RECOMMENDATIONS FOR TIMOR-LESTE:

Establish, implement, and train officials on formal procedures for victim identification among vulnerable populations, such as individuals in prostitution and domestic work and migrant workers on fishing vessels; adequately fund law enforcement officers to conduct thorough investigations of trafficking offenses, proactively initiate prosecutions, and convict and punish traffickers, including complicit officials; properly resource protective services, and establish and train officials on standard operating procedures to ensure victims are consistently referred to appropriate care; improve data collection on anti-trafficking efforts; enact comprehensive anti-trafficking legislation that is consistent with international law; conduct training for prosecutors and judges, including on how to integrate victim protection throughout the duration of court proceedings; and

increase anti-trafficking education and awareness campaigns for the public.

## PROSECUTION

The government made modest anti-trafficking law enforcement efforts and improved its data collection. Articles 163 and 164 of the penal code prohibit and punish all forms of trafficking; articles 162 and 166 prohibit slavery and the sale of persons. These articles prescribe sufficiently stringent penalties ranging from eight to 25 years' imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape. In April 2015, the Council of Ministers approved draft anti-trafficking legislation—which has been in development since 2009 and would expand legal provisions on protection and prevention measures—and sent it to the parliament, where it remained at the close of the reporting period. The government provided more information on its anti-trafficking law enforcement efforts than in the previous year but did not offer complete statistics or provide adequate detail to verify all reported cases involved human trafficking offenses. According to information from government, NGOs, and media sources, authorities investigated 12 cases of suspected trafficking and prosecuted six suspected traffickers. One prosecution resulted in the March 2016 conviction of a Timorese woman on attempted trafficking charges after she was apprehended while attempting to transport five Timorese young adults to the United Kingdom without appropriate work documents. The details of the second conviction are unknown. There were no further updates on the other investigations or prosecutions. In July 2015, the court upheld the guilty verdict for the former village chief convicted and sentenced to prison during the previous reporting period for child sex trafficking. There were no updates on an investigation from the previous reporting period of a police officer suspected of forced child labor offenses. Judges and prosecutors have limited expertise in applying anti-trafficking laws effectively. In the past, police officers reported using their own personal funds to pursue trafficking investigations due to inadequate resource allocation from the government. Police and prosecutors lacked adequate training in victim-centered approaches to law enforcement and legal proceedings. A government-funded NGO and foreign government donors provided anti-trafficking training to Timorese law enforcement officials.

## PROTECTION

The Government of Timor-Leste demonstrated increased efforts to protect victims. The government reported identifying and providing some services to 10 victims and referring additional victims to local NGOs for assistance. Reports from law enforcement, NGOs, and the media indicate cases investigated during the reporting period included at least 55 potential victims; it is unknown whether all victims received protective services. There were no formal procedures for victim identification, and authorities did not systematically screen for trafficking indicators among vulnerable groups, such as individuals in prostitution and domestic work and migrant workers on fishing vessels. Police reported having a list of questions to identify a case of trafficking, although these questions relied on the movement of people to make a positive determination of trafficking and it was unclear how frequently they were used. The government allocated funds to an NGO specifically to provide social services to trafficking victims. The NGO reported providing services to 11 victims, including four male victims. There were limited specialized services for trafficking victims in the country, with female victims primarily receiving services available to victims of other crimes, such

as domestic violence and sexual assault. The government's referral system used Ministry of Social Solidarity field staff to coordinate with police and NGOs. NGOs reported improved cooperation through the referral network. An unknown number of victims received vocational training, legal assistance, or reintegration support from NGOs, some of whom received funds from the government. Unidentified trafficking victims may have been among the individuals arrested and deported during the year, particularly foreign women in prostitution apprehended for immigration violations. Local NGOs noted the overall lack of incentives to cooperate with law enforcement may have contributed to some victims being unidentified or unwilling to participate in the investigation and prosecution of traffickers. The government did not provide foreign victims with alternatives to their removal to countries where they may face hardship or retribution.

## PREVENTION

The Government of Timor-Leste demonstrated increased efforts to prevent trafficking. The government conducted an anti-trafficking educational campaign in seven schools in districts across the country and provided funding to an NGO to conduct a community education workshop. During the reporting period, the government reestablished the inter-ministerial working group on trafficking and designated the Ministry of Justice as the lead agency to coordinate its efforts. The working group finalized a national action plan to combat trafficking, to which the government designated personnel resources and for which ministries will use their funding to support their required tasks. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not take measures to reduce the demand for forced labor or commercial sex acts.

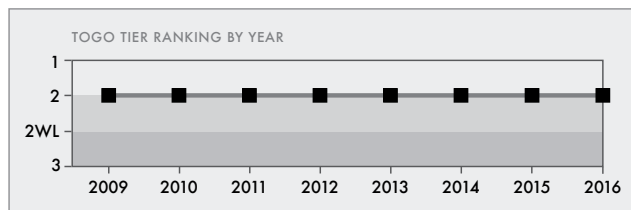
## TOGO: Tier 2

Togo is a source, transit and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The western border of the Plateau region, which provides easy access to major roads leading to Accra, Ghana, and Lome, was a primary source for trafficking victims during the reporting period. Most Togolese victims are children exploited within the country. Forced child labor occurs in the agricultural sector—particularly on coffee, cocoa, and cotton farms—as well as in stone and sand quarries. Traffickers bring children from rural areas to Lome, where they are subjected to forced labor as domestic servants, roadside vendors, and porters, or exploited in prostitution. Boys are subjected to forced labor in construction, in salvage yards, mines, and as mechanics, often working with hazardous machinery. Children from Benin and Ghana are recruited and transported to Togo for forced labor. Girls from Ghana are exploited in sex trafficking in Togo. Togolese boys and girls are transported to Benin, Cote d'Ivoire, Democratic Republic of the Congo, Gabon, Ghana, Nigeria and forced to work in the agricultural sector. From September to April, many Togolese adults and children migrate in search of economic opportunities to Benin, Burkina Faso, Niger, and Mali, where many are subjected to labor and sex trafficking. In Nigeria, Togolese men endure forced labor in agriculture and Togolese women are exploited in domestic servitude. Togolese women have been fraudulently recruited for employment in Saudi Arabia, Lebanon, the United States, and Europe, where they are subjected to domestic servitude or forced prostitution.

The Government of Togo does not fully meet the minimum



standards for the elimination of trafficking; however, it is making significant efforts to do so. The government reported increased numbers of investigations, prosecutions, and convictions of traffickers for child trafficking crimes in 2015 compared to the previous reporting period; however, it did not provide the details of these cases. It amended the penal code to criminalize trafficking of adults; however, it did not demonstrate or report any tangible efforts to address trafficking of adults. The government assisted in the repatriation of transnational child trafficking victims but did not report any efforts to identify or assist other potential trafficking victims, including adults and victims within Togo. While the government increased the number of labor inspectors, it did not have adequate resources to address forced labor cases.



## RECOMMENDATIONS FOR TOGO:

Develop a formal system to identify trafficking victims, including adults, and train law enforcement, immigration, and social welfare officials on victim identification; increase efforts to prosecute and punish traffickers, including of adult victims, using the amended penal code; effectively track the number of trafficking victims who receive services from the government, are referred to NGOs, or are returned to their families; develop a system among law enforcement and judicial officials to track suspected human trafficking cases and prosecution data; allocate sufficient funds to operate the Tokoin and Oasis centers; and increase efforts to raise public awareness about the dangers of human trafficking, including the trafficking of adults.

## PROSECUTION

The government increased law enforcement efforts against child trafficking, but did not demonstrate tangible efforts to address trafficking of adults. During the reporting period the national assembly passed a revised penal code, which significantly increased penalties for traffickers and amended the definition of trafficking to include adult forced labor. The revised code increases the prison sentence from a minimum of 10 years to 20 years, an increase from two to five years under previous laws, and increases the maximum fine to 30 million FCFA (\$51,000) from 5 million FCFA (\$8,500). Unlike pending draft anti-trafficking legislation, the revised penal code does not include provisions for victim protection. Togolese law prohibits all forms of trafficking. Article 4 of the 2006 labor code prohibits forced and compulsory labor, but its prescribed penalties of three to six months' imprisonment are not sufficiently stringent, and its definition of forced or compulsory labor includes some exceptions that constitute trafficking. The 2007 child code prohibits all forms of child trafficking and prescribes penalties of two to five years' imprisonment, which are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The 2005 Law Related to Child Smuggling prescribes prison sentences of three months' to 10 years' imprisonment for abducting, transporting, or receiving children for the purposes of exploitation. Despite eight years of the TIP Report recommending the enactment of legislation criminalizing the trafficking of adults, the government did

not take action during the reporting period to enact its draft legislation, which has remained pending since 2009.

The government reported 123 investigations and 59 convictions of traffickers, an increase from 103 investigations and 40 convictions in 2014. It is unclear how many of these cases actually involved trafficking charges, as the government was unable to provide details of the cases. The government did not provide any trafficking-specific training to its law enforcement officials. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Experts reported judges were often reluctant to convict or fine parents who subjected their children to trafficking, as they felt it would exacerbate the economic situation that drove a parent to commit the crime. The government cooperates with the governments of Benin, Ghana, and Nigeria under a quadripartite agreement on the control and monitoring of borders to prevent child trafficking, repatriate victims, and extradite traffickers. Additionally, the government cooperates with all West African states under the West African Multilateral Accord and with all west and central African states under the Multilateral Cooperation Agreement to Combat Trafficking in Persons in West and Central Africa.

## PROTECTION

The government assisted in the repatriation of transnational child trafficking victims and provided protective services for other potential victims; however, it did not report data regarding its assistance and data collection remained a significant concern during the reporting period. During the reporting period, the government funded and facilitated the repatriation of 20 child trafficking victims forced to work in Gabon. The children, who originated from four villages in Togo, were initially held in Benin and Nigeria prior to being transported by boat to Gabon.

After repatriation, the government reunited the children with their families in Togo. In 2014, the government reported identifying 712 potential child trafficking victims, including 351 boys and 361 girls; the majority of these children were intercepted and rescued prior to reaching their destinations, where they likely would have faced exploitation as farm laborers or domestic servants. The government did not report the number of children referred to care facilities. The government did not identify any adult victims of trafficking.

In Lome, the Ministry of Social Affairs (MSA) continued to run a toll-free 24-hour helpline, Allo 10-11, which received an unknown number of calls regarding child trafficking and other forms of child abuse. The National Committee for the Reception and Social Reinsertion of Trafficked Children, Togo's national anti-trafficking committee comprised of government officials and NGOs, continued to operate jointly with the police an ad hoc referral system to respond to hotline tips. The MSA continued to operate two shelters; the Tokoin Community Center served as an intermediary shelter for child victims before transfer to care facilities managed by NGOs, while the Oasis Center provided shelter, legal, medical, and social services to child victims up to age 14. The government was unable to provide the total budget for victim assistance and protection. The government did not offer temporary or permanent residency status to foreign victims facing hardship or retribution upon return to their country of origin. The government did not have a formal process to encourage and support victims' participation in the investigation and prosecution of their traffickers, and it is unclear whether any victims did so during the reporting period. There were no reports of child victims being penalized

for unlawful acts committed as a direct result of being subjected to trafficking.

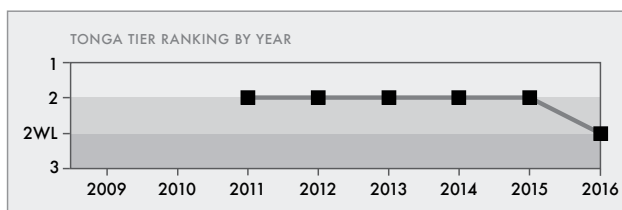
## PREVENTION

The government continued minimal efforts to prevent child trafficking during the year and showed no discernible efforts to prevent adult trafficking. The government employed 109 labor inspectors across all five regions during the reporting period, an increase of 23 inspectors from the previous year. Despite the increase, there were still far too few inspectors to effectively investigate child labor cases. An NGO reported inspectors often did not address even obvious cases of child labor in large, open-air markets in urban centers. The government has not instituted policies or laws regulating foreign labor recruiters to hold them civilly and criminally liable for fraudulent recruiting. The government reduced the demand for forced labor through the continuation of a program partnering with 30 traditional religious leaders to eliminate the practice of religious “apprenticeships”—a practice in which children are entrusted to religious leaders who exploit them in forced domestic work, or sexual slavery when parents are unable to pay school fees. The government has not updated its national action plan since 2008. The government did not take any discernible measures to decrease the demand for commercial sex acts. The government provided anti-trafficking training to Togolese troops prior to their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training or guidance for its diplomatic personnel.

## TONGA: Tier 2 Watch List

Tonga is a destination country for women subjected to sex trafficking and, to a lesser extent, a source country for women and children subjected to domestic sex trafficking and forced labor. East Asian women, especially those from China, are exploited in prostitution in clandestine establishments operating as legitimate businesses; some East Asian women are recruited from their home countries for legitimate work in Tonga, paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Some Tongan women and children are reportedly subjected to involuntary domestic servitude. There are reports of foreign men who attempted to transit Tonga in situations of potential debt bondage.

The Government of Tonga does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Tonga is placed on Tier 2 Watch List. During the reporting period, the police force began to include anti-trafficking as part of its training of new recruits. In addition, it provided 50,000 pa’anga (\$23,507) to an NGO that assists women and child victims of crime, including potential trafficking victims. While the government began investigating one potential trafficking case, it remained without formal procedures for the identification of trafficking victims. The government did not make progress in establishing a national coordinating body on human trafficking or in developing anti-trafficking awareness campaigns.



## RECOMMENDATIONS FOR TONGA:

Develop and fully implement procedures to identify trafficking victims proactively among vulnerable groups; increase training for law enforcement officials and labor inspectors on human trafficking, including on how to identify and assist victims; increase efforts to investigate and prosecute trafficking crimes, including child sex trafficking, and punish traffickers; ensure anti-trafficking laws are not limited to cross-border movement; provide Asian-language interpretation services to facilitate identification of foreign victims and their referral to care and cooperation with law enforcement; enact a law or policy to provide explicit protections for trafficking victims, such as restitution, legal and medical benefits, and immigration relief; develop and conduct anti-trafficking information and education campaigns; raise awareness of child sex trafficking; develop a national action plan and establish a coordinating body to guide national anti-trafficking efforts; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government made minimal anti-trafficking law enforcement efforts. The Counter Terrorism and Transnational Organized Crime Act does not prohibit all forms of trafficking because it defines trafficking only as a transnational crime. This law prescribes penalties of up to 15 years’ imprisonment for trafficking offenses involving adult victims and 20 years’ imprisonment for offenses involving children; these penalties are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. Since convicting its first trafficker in April 2011, the government has not identified any trafficking victims or prosecuted any trafficking cases. The government initiated one investigation of a potential trafficking case involving Bangladeshi men in conditions indicative of forced labor and began to include anti-trafficking in persons training for new police recruits during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government made minimal efforts to protect trafficking victims, identifying four potential trafficking victims during the reporting period. Nonetheless, it did not develop or employ systematic procedures for victim identification among at-risk groups, such as undocumented migrants or women in prostitution. The government has procedures to refer crime victims to an NGO service provider for assistance and referred trafficking victims to counseling services in 2015. The government provided 50,000 pa’anga (\$23,507) to one local NGO for operations to assist women and children victims of crime; although trafficking victims were eligible to use these services, no identified trafficking victims benefited from these services in 2015. There are no shelter facilities available to male victims older than 15 years old. Under the immigration act, the principal immigration officer has broad discretionary authority

to grant trafficking victims permits to stay in the country for any length of time necessary for their protection. In the one potential human trafficking case under investigation, the government provided permits to the foreign males found to be in conditions indicative of forced labor, allowing them to reside and work in Tonga legally during the investigation. Victims could be granted asylum in Tonga if they feared retribution or hardship in their country of origin, although no trafficking victim has ever requested asylum. Victims have the ability to file civil cases against their traffickers, but none filed such cases in 2015. There were no reports officials penalized trafficking victims for unlawful acts committed as a result of being subjected to trafficking.

## PREVENTION

The government made negligible efforts to prevent human trafficking. The government did not develop a national action plan to combat trafficking, establish a coordinating body to spearhead anti-trafficking efforts, or conduct educational campaigns to increase awareness of trafficking in Tonga. The government did not take action to reduce the demand for commercial sex acts or forced labor during the reporting period. The government did not provide anti-trafficking training to its diplomatic personnel. Tonga is not a party to the 2000 UN TIP Protocol.

## TRINIDAD AND TOBAGO: Tier 2 Watch List

Trinidad and Tobago is a destination, transit, and source country for adults and children subjected to sex trafficking and forced labor. Women and girls from the Dominican Republic, Guyana, Venezuela, and Colombia are subjected to sex trafficking in brothels and clubs, often lured by offers of legitimate employment, with young women from Venezuela especially vulnerable. NGOs noted the availability of children for commercial sex through classified ads and that children are subjected to trafficking for commercial sex by Trinbagonians and foreign sex tourists. Economic migrants from the Caribbean region, especially Guyana, and from Asia, in particular those lacking legal status, are vulnerable to forced labor in domestic service and the retail sector. Immigration officials note an increase in international criminal organizations' involvement in trafficking, and NGOs report young boys are coerced to sell drugs and guns. New brothels continue to open across the country, particularly in the east where they are incorporated into small bars and rum shops and are difficult to detect; NGO and police sources note that both prostitution and trafficking are historically dependent on police corruption. Law enforcement and civil society organizations reported some police and immigration officers facilitate trafficking and some law enforcement officials exploit sex trafficking victims.

The Government of Trinidad and Tobago does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Trinidad and Tobago is placed on Tier 2 Watch List for the second consecutive year. Following the election of a new government in September 2015, the government demonstrated renewed political will to combat human trafficking. The government increased funding for

its anti-trafficking unit, which sustained efforts to identify trafficking victims and refer them to care. The government also increased training for law enforcement, conducted public awareness activities, and adopted a national plan of action as mandated under the law. The government reported one new investigation of a complicit official. It acknowledged a larger complicity problem, but has not held anyone criminally accountable, thus it has not effectively addressed the rampant complicity problem. The government has never convicted an individual under its anti-trafficking law, including officials complicit in trafficking.



## RECOMMENDATIONS FOR TRINIDAD AND TOBAGO:

Investigate, prosecute, and convict traffickers, including complicit immigration and law enforcement officials; develop specialized services for victims in collaboration with NGOs, and ensure adequate funding for robust services; implement procedures to guide front-line officials in the identification and referral of potential sex and labor trafficking victims, especially among foreign women in prostitution, migrant workers, and children; train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence to reduce dependence on victim testimony; further expand training and outreach to educate officials about the manifestations of trafficking in the country to aid in the effective investigation of sex and labor cases and prosecution and conviction of traffickers; raise public awareness, especially among the migrant population, about forced labor; and continue implementing the national action plan.

## PROSECUTION

The government made modest law enforcement efforts; official complicity continued to undermine government efforts. The Trafficking in Persons Act of 2011 prohibits both sex trafficking and forced labor and prescribes penalties of 15 years to life imprisonment and fines. The Children Act (2012), which entered into force in May 2015, prescribes penalties of 10 years' to life imprisonment for subjecting a child to prostitution. These are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government's anti-trafficking unit investigated 53 possible cases of trafficking, at least one of which was for labor trafficking, compared with 35 cases in 2014. The government initiated the prosecution of five accused traffickers under the anti-trafficking law, compared with one in 2014 and 12 in 2013. The government also charged one suspected trafficker in its first child sex trafficking case. Prosecutions from previous reporting periods involving 10 suspected traffickers were ongoing. The government has yet to convict a trafficker. Inefficiencies in the judicial system resulted in a significant backlog of cases. The interagency counter-trafficking unit within the national security ministry led efforts to investigate sex trafficking and forced labor and provide victim services, but suffered from institutional challenges. Its staff of police and immigration officers reported to their respective agencies



and not to the head of the unit. The unit lacked permanent leadership throughout the reporting period. The government assigned four additional personnel to the unit during the reporting period, bringing the total to 10 law enforcement and two immigration officers, and increased the unit's budget to eight million Trinidad and Tobago dollars (TTD) (\$1.25 million) for fiscal years (FY) 2015-2016 from five million TTD (\$780,800) for FY 2014-2015.

The national security ministry reported that law enforcement and immigration officials were complicit in trafficking crimes. The government reported one new investigation of a police officer complicit in sex trafficking; the 2013 prosecution of a law enforcement official for the sex trafficking of three Colombian nationals remained ongoing. Some government officials report that law enforcement and immigration officials received bribes in exchange for protection and sabotaging police investigations. A national security ministry source said one police station routinely sent new recruits to purchase commercial sex from a local brothel. In a separate case, an NGO reported that police frequented a brothel to procure commercial sex, including from potential trafficking victims, and brothel owners intimidated victims by claiming friendship with police officials. In 2015, the government reported no evidence of official complicity in a case from December 2014, reportedly involving a trafficking network in which immigration and police officers were supposedly involved in facilitating the sex trafficking of Venezuelan women. The counter-trafficking unit conducted anti-trafficking training for more than 100 police officers, with assistance from an international organization, and provided funding for 40 government officials and law enforcement to participate in a two-week advanced human trafficking law enforcement training course. The government collaborated with authorities in Venezuela to investigate suspected trafficking cases. During the reporting period, the labor ministry provided targeted training to 18 labor inspectors to help them identify possible cases of human trafficking. The government has sought assistance from and collaborated with the U.S. embassy on combating trafficking.

## PROTECTION

The government sustained efforts to identify and protect trafficking victims. The government identified and referred six trafficking victims to care—five Venezuelan adult female victims and one Trinbagonian minor female victim of sex trafficking—compared with eight in 2014. The counter-trafficking unit partnered with NGOs and public hospitals to provide basic services to victims, including medical care and counseling; no specialized services exist. Domestic violence shelters, which received some government funding, provided accommodation to adult female trafficking victims. In the case of men and children, the government provided shelter mainly by securing private safe houses. Other government-funded victim care services available included food, medical assistance, translation services, psychological counseling, legal services, and arranging contact with families; at least two victims received legal services during the reporting period. NGOs reported deficiencies in the counter-trafficking unit's ability to arrange assistance for victims, which they attributed to poor but improving coordination between the unit and service providers. The counter-trafficking unit spent approximately one million TTD (\$156,200) on victim care and protection, the same amount spent in 2014. It provided some funding to NGOs that in turn provided direct care and assistance; however, there were questions by NGOs about whether the funding was sufficient. Victims housed in NGO-run shelters were allowed freedom of movement after an

initial security assessment by the government; victims housed in alternative accommodations were under constant watch by unit officers.

The counter-trafficking unit developed a screening form to identify victims and new procedures to guide front-line officials in the identification and referral of potential victims, which it disseminated to law enforcement. The referral process remained ad hoc in practice. The government did not punish any identified trafficking victims for crimes committed as a direct result of a trafficking situation; however, unidentified victims were vulnerable to being inadvertently punished or charged with immigration or prostitution violations. The government provided five Venezuelan trafficking victims with work and residence permits to remain in the country to assist law enforcement in trafficking investigations. Most foreign victims provided a statement to aid in prosecution prior to repatriation. The government afforded witness protection to victims that chose to participate in the trial process and allowed them to return to their home countries between court hearings. The government partnered with an international organization and victims' home governments to ensure safe repatriation.

## PREVENTION

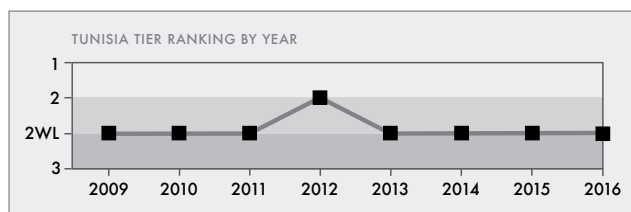
The government increased efforts to prevent trafficking. The inter-ministerial national taskforce on trafficking met three times during the reporting period. The taskforce approved a national plan of action. The counter-trafficking unit engaged more than 50 government and NGO stakeholders for three days in a national threat assessment, and presented the findings to the taskforce, but had no plans to make the assessment public. The national security minister presented the counter-trafficking unit's mandated annual report on the government's 2014 anti-trafficking efforts to Parliament in November 2015. The trafficking unit launched a two-month country-wide official awareness campaign via public service announcements on local television and radio stations to educate the public and publicize the toll-free hotline through which individuals can report suspected human trafficking cases. The government also provided a small amount of funding toward a six-month NGO-run child trafficking awareness campaign that displayed prevention messages on billboards. The trafficking unit held awareness events at youth camps and universities, and provided financial support to assist in the production of two films seeking to raise awareness of trafficking. These activities contributed to an increased number of calls to the hotline, from five per month to five per week, and to creating greater public discourse on the issue. The government did not provide anti-trafficking training or guidance for its diplomatic personnel. The government made efforts to reduce the demand for commercial sex acts and for forced labor during the reporting period. Authorities did not report any cases of child sex tourism investigated or prosecuted during the reporting period.

## TUNISIA: Tier 2 Watch List

Tunisia is a source, destination, and possible transit country for men, women, and children subjected to forced labor and sex trafficking. According to a baseline study published in 2013, Tunisian youth are subjected to various forms of trafficking. According to the study, some Tunisian girls, mainly from the northwest, working as domestic servants for wealthy families in Tunis and major coastal cities experience restrictions on movement, physical and psychological violence, and sexual

abuse. International organizations report an increased presence of street children and rural children working to support their families in Tunisia since the 2011 revolution; according to the baseline study, these children are vulnerable to forced labor or sex trafficking. Tunisian women have reportedly been forced into prostitution under false promises of work both within the country and elsewhere in the region, such as Lebanon, United Arab Emirates, and Jordan. Civil society organizations report an increase in women, primarily from West Africa, subjected to domestic servitude in private homes in Tunis, Sfax, Sousse, and Gabes. Migrants fleeing unrest in neighboring countries continue to be vulnerable to trafficking in Tunisia. Security officials reported in 2014 that organized gangs force street children to serve as thieves and beggars and to transport drugs.

The Government of Tunisia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Tunisia is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Tunisia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards. As in the previous reporting period, Parliament did not pass draft anti-trafficking legislation, and due to the lack of legal framework, the government did not provide a clear mandate for officials to address human trafficking crimes effectively. The government reported investigating and prosecuting potential trafficking crimes, but without the details of the cases it was unclear how many—if any—traffickers were adequately punished. The government did not fully implement victim identification guidelines or the national victim referral mechanism; therefore, some trafficking victims remained unidentified and vulnerable to punishment for unlawful acts committed as a direct result of being subjected to human trafficking. Nevertheless, authorities identified and provided protection services to some trafficking victims in government-operated centers for vulnerable groups. Although the government's inter-ministerial anti-trafficking committees remained active during the reporting period, political, economic, and security challenges in Tunisia prevented the government from dedicating resources and attention to human trafficking issues.



## RECOMMENDATIONS FOR TUNISIA:

Enact anti-trafficking legislation that prohibits and adequately punishes all forms of human trafficking consistent with the 2000 UN TIP Protocol; in the absence of a law, use existing criminal statutes to prosecute trafficking offenses and convict and punish offenders with imprisonment; implement formal procedures to identify trafficking victims among vulnerable groups, such as street children, undocumented migrants, domestic workers, and persons in prostitution, and train officials on their use; fully implement the national victim referral mechanism to ensure

all trafficking victims are referred to appropriate protection services, and train law enforcement and judicial authorities on appropriately referring victims to care; provide adequate protection services to all trafficking victims distinct from other vulnerable groups, including adequate shelter and rehabilitative services, and ensure staff at government-operated centers are trained to provide trafficking victims with specialized care; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as prostitution and immigration violations; and increase anti-trafficking trainings for all officials.

## PROSECUTION

The government demonstrated limited anti-trafficking law enforcement efforts and did not yet enact draft anti-trafficking legislation introduced to Parliament in May 2014. The absence of a law greatly hindered law enforcement efforts, including data collection and case management, and contributed to the government's inability to differentiate human trafficking from other crimes. In various disparate statutes, the penal code prohibits some forms of human trafficking but prescribes penalties that are not sufficiently stringent or commensurate with penalties prescribed for other serious crimes, such as rape. The penalties prescribed for rape range from five years' imprisonment to the death penalty. The criminal code prescribes one to three years' imprisonment for forced prostitution of an adult, which are not commensurate or sufficiently stringent. The criminal code prescribes three to five years' imprisonment for sex trafficking of a child, which are commensurate and sufficiently stringent. The penal code prescribes only one to two years' imprisonment for forced child begging and penalties of up to 10 years' imprisonment for capturing or detaining a person for forced labor. As in the previous reporting period, the government did not report data on prosecutions and convictions of human traffickers due to the lack of a legal anti-trafficking framework. However, in 2015, the Ministry of Interior reported investigating more than 500 cases involving sexual exploitation of women and 41 cases involving children in forced begging, a significantly higher number of investigations than the 25 potential trafficking cases in 2014. The Ministry of Justice reported data on prosecutions of other crimes during calendar year 2014, such as begging, prostitution, kidnapping, and rape, but without additional details, none of these cases appeared to involve human trafficking crimes. The ministry also reported prosecuting 81 labor code violations in 2015, but it did not report if any of these cases involved human trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government provided training sessions during the reporting period for judicial and law enforcement officials and other relevant ministries.

## PROTECTION

The government made limited efforts to identify and provide protection services to trafficking victims, while unidentified victims remained vulnerable to punishment for unlawful acts committed as a direct result of being subjected to human trafficking. In 2015, the government identified and assisted three Tunisian trafficking victims exploited abroad, and it provided assistance to 20 victims identified by an international organization subjected to trafficking in Tunisia. Despite these efforts, this demonstrates a decline in comparison to 59 victims the government identified in 2014. Although some law enforcement, immigration, and social service officials received training to identify trafficking victims among high-risk

populations, the government lacked formal victim identification procedures and did not implement systematic policies and procedures to protect unidentified victims from being punished for unlawful acts committed as a direct result of being subjected to human trafficking, such as women in prostitution, child sex trafficking victims, or illegal immigrants. An international organization reported in 2015 that police detained a sex trafficking victim on prostitution violations but later released the victim without charge; the government did not provide the victim with protection services. The government maintained a national victim referral mechanism for officials to refer trafficking victims to government-operated social centers or NGO-run shelters; however, it was unclear how many victims officials referred to protection services during the reporting period.

The government did not dedicate a budget specifically for the provision of protection services to trafficking victims; however, the Ministry of Social Affairs (MSA) reportedly provided more than \$250,000 to civil society organizations for the provision of social services to vulnerable populations, including trafficking victims. Three MSA-operated centers for vulnerable populations in Tunis, Sousse, and Sfax continued to be available to victims of all forms of trafficking. The center in Tunis held a dedicated office for male and female trafficking victims with a trained social worker and offered medical and psychological exams; in 2015, this center assisted 11 child victims of sexual exploitation and seven child victims of forced begging. MSA also continued to operate centers for vulnerable populations, including trafficking victims, victims of domestic violence and sexual assault, asylum-seekers, unaccompanied minors, and the homeless. The centers provided food and lodging, clothing, legal aid, medical care, education for child victims, and psychological services; however, it was unclear how many trafficking victims received services in these centers during the reporting period. The government reportedly offered temporary residency status and repatriation services—in coordination with international organizations—to foreign trafficking victims, although it did not report how many victims received these services in the reporting period; trafficking victims were not allowed to seek legal employment while under temporary residency status. The government did not have policies in place to encourage victims to participate in the prosecution of their traffickers, nor did it offer foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution.

## PREVENTION

The government improved efforts to prevent trafficking. The inter-ministerial anti-trafficking working group met four times in 2015 to coordinate anti-trafficking policy, with representation from civil society and international organizations. In May 2015, the Ministry of Justice formed a national interim committee on human trafficking, which included trafficking focal points from relevant ministries; the committee also met four times during the reporting period to update the national anti-trafficking action plan, finalize language in the draft anti-trafficking legislation, and coordinate anti-trafficking efforts among relevant ministries. During the reporting period, the government implemented parts of its draft national anti-trafficking action plan related to victim assistance and prevention activities; however, it did not implement law enforcement or judicial activities in the plan because it did not have a legal anti-trafficking framework to support them. The government conducted multiple anti-trafficking public awareness campaigns during the reporting period. The government reported efforts to reduce the demand for forced labor. To prevent fraudulent labor

recruitment practices, the Ministry of Professional Training and Employment ordered 26 unauthorized recruitment bureaus to register formally with the ministry; it also brought procedures against 15 recruitment agencies for failing to comply with labor regulations. The government did not report efforts to reduce the demand for commercial sex acts or child sex tourism. The government provided anti-trafficking training for its diplomatic personnel.

## TURKEY: Tier 2

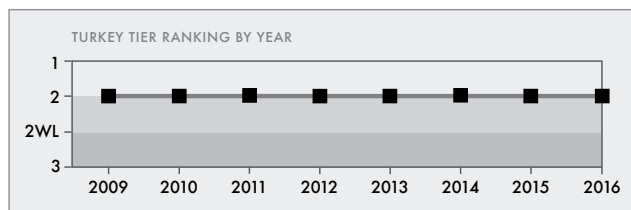
Turkey is a destination and transit country, and to a lesser extent source country, for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Syria, and Morocco. Georgian men and women are subjected to forced labor. Foreign victims are offered cleaning and childcare jobs in Turkey and, upon arrival, traffickers force them into prostitution in hotels, discos, and homes. Turkish women may be subjected to sex trafficking within the country. The Government of Paraguay reported working with an international organization to repatriate Paraguayan trafficking victims from Turkey. The government and NGOs report traffickers increasingly use psychological coercion, threats, and debt bondage to compel victims into sex trafficking. Transgender persons may be particularly vulnerable to trafficking, suffering from lack of protection by authorities and alleged police violence.

Displaced Syrians, Afghans, Iraqis, and Iranians are increasingly vulnerable to trafficking in Turkey, particularly as an estimated one million Syrians and 100,000 Iraqis arrived in Turkey during the reporting period, with little or no access to legal employment. An increasing number of Syrian refugee children engage in street begging and also work in restaurants, textile factories, markets, mechanic or blacksmith shops, and agriculture, at times acting as the breadwinners for their families; some are vulnerable to forced labor. Syrian refugee women and girls are vulnerable to sex trafficking by prostitution rings, including those run by extremist groups in Turkey. Some Syrian girls have been reportedly sold into marriages with Turkish men, in which they are highly vulnerable to domestic servitude or sex trafficking. International organizations report extremist groups increasingly recruit through fraud or coercion foreign men, women, and children from Central Asia, Indonesia, and Trinidad to join extremist fighters in Syria; some of these individuals may willingly join the Islamic State in Iraq and the Levant militants, including some girls who were reportedly forced to remain in Syria against their will after offering to marry fighters. Reports indicate youth, sometimes under coercion, participate in Kurdistan Workers' Party forces, a group designated as a terrorist organization by the United States and Turkish governments.

The Government of Turkey does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased law enforcement efforts against traffickers, identified significantly more victims than the previous year, including a small number of Turkish citizens and Syrian refugees, and passed a new regulation providing added legal support to its fight against trafficking. Efforts to protect the growing and highly vulnerable refugee and migrant communities in the country remain inadequate, and the government continued to face capacity constraints in addressing the increasing challenges. The government approved a regulation in January 2016 establishing a work-permit regime for Syrians under temporary protection in order to reduce



their economic vulnerability. The government also stated that it screened for trafficking indicators in all migration and asylum-related interviews. The government continued to train front-line responders in victim identification, prosecution, and protection measures. However, the government did not convene its interagency trafficking taskforce or renew its national anti-trafficking action plan, which was created in 2009. Some officials, including police, downplayed the seriousness of the crime and failed to recognize the need for increased vigilance to combat trafficking among the refugee population.



### RECOMMENDATIONS FOR TURKEY:

Vigorously investigate, prosecute, and convict traffickers, including forced labor offenders, and provide comprehensive law enforcement statistics to demonstrate such efforts; formalize the national referral mechanism and significantly increase victim identification efforts among vulnerable populations, such as refugees, women and girls in prostitution, and children begging in the streets; provide specialized care for all victims, including children, Turkish, and male victims; conduct interviews with potential victims identified by NGOs; provide victims unhindered access to protection services, including through the funding of NGO-led shelters; continue to train law enforcement and other first responders on victim identification, including recognizing the signs of non-physical methods of control used by traffickers and increase cooperation with NGOs and international organizations in victim identification and referral to assistance; establish a victim-centered framework for victim identification and assistance with stable funding and institutionalized partnerships with NGOs; ensure the interagency anti-trafficking taskforce convenes regularly and provides effective policy implementation; develop a national action plan to combat trafficking; and increase incentives for victims to voluntarily assist in the investigation and prosecution of traffickers, including the use of victim advocates.

### PROSECUTION

The government demonstrated increased law enforcement efforts to combat sex trafficking, but did not take direct action to address forced labor. Article 80 of the penal code prohibits both sex and labor trafficking by use of force, threats, or abuse of power and prescribes penalties of eight to 12 years' imprisonment. Article 227(1) prohibits the facilitation of child prostitution and prescribes penalties of four to 10 years' imprisonment. Penalties under both articles are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The 2013 "Foreigners and International Protection Act" provides a legal definition of trafficking and establishes trafficking victims' eligibility for a special type of residence permit that can be renewed for up to three years.

The Ministry of Justice reported prosecuting 238 suspects in 50 new sex trafficking cases under article 80 in the first three quarters of 2015. It did not provide the details of these cases. In addition, the Ministry continued to prosecute 188 cases from the previous year with a total of 1,484 suspects, completing

a total of 75 cases during the first three quarters of 2015. Courts convicted 37 traffickers under article 80. All convicted traffickers received prison sentences, and 35 were also fined. The government acquitted 306 suspected traffickers, resulting in a 90 percent acquittal rate for criminal cases. The prosecutions and convictions reported in 2015 marked an overall increase from 2014, when the government prosecuted 749 defendants in 71 cases and convicted 25 traffickers. Observers criticized the government's inefficient handling of victims' statements, which were recorded during victim identification interviews and again during the early stages of the investigation, but often disregarded by judges, who required new statements, even post-repatriation, placing an unnecessary burden on victims. The government reported no new prosecutions or convictions of government employees complicit in trafficking offenses. The government reported entering into anti-trafficking cooperation agreements with various countries in Central Asia and Eastern Europe, and it began criminal processes against 87 alleged traffickers in cooperation with Georgian authorities during the reporting period, compared with 26 in the previous reporting period. The government provided anti-trafficking training to 3,673 officials, including law enforcement, prosecutors, judges, and deputy governors in 2015.

### PROTECTION

The government increased protection efforts. The government identified 108 trafficking victims, including two Turkish victims and nine Syrian refugees, during the first three quarters of 2015, compared with 50 in the previous year. Ninety-one victims were female, 17 victims were male. Twenty-six victims were children, a significant increase from two children identified during the previous reporting period. The government did not report a breakdown of the number of victims exploited in sex or labor trafficking; however, sex trafficking remained the most common form of trafficking, despite an increase in the number of labor trafficking victims. Fifteen of the 17 male victims were Afghans subjected to forced labor, including 14 children. Thirty-five victims were between ages 18-25; 40 were between the ages of 26-35; and seven victims were over age 36. The victims were predominantly from Central Asia, Eastern Europe, Georgia, Ukraine, and Syria. Ninety-eight victims accepted support services and 84 elected immediate repatriation, which the government facilitated. The government reported using its national referral mechanism for victim identification and assistance, which included law enforcement, civil society groups, embassies, and international organizations. During the reporting period, the government approved a new regulation that further defines the roles and reporting lines across government agencies in the national referral mechanism. Although there were no reports that the government punished trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, NGO contacts report that front-line police officers often failed to identify sex trafficking victims, particularly among women in prostitution, and deported them without providing them access to victim assistance. NGOs reported providing shelter and services to 89 trafficking victims, including 7 children. Most victims were repatriated; however, 32 sex trafficking victims, most of whom were single mothers exploited in Turkey, remained in Turkey after receiving protective services. Observers expressed concern that law enforcement for Syrians was handled differently than for other foreigners, noting Syrians might not be channeled through the national referral mechanism. NGOs continued to report some front-line responders and police officers were not trained in victim identification and assistance, and police and prosecutor re-assignments and firings made it difficult for

NGOs to coordinate effectively with law enforcement officials.

The government reported budgeting 1.2 million Turkish Lira (\$400,000) for three NGO shelters offering assistance to trafficking victims, including psychological and medical care, legal counseling on humanitarian visa and residence permit issuance, and counseling on their rights to return home; however, it did not specify the timeframe for this budget. The government also reported providing an additional 190,000 euros for these shelters via a partially donor-funded project. As in previous years, NGOs noted their biggest challenge was ensuring consistent funding to operate shelters and provide protective services. The government did not offer specialized facilities for Turkish, male, or child trafficking victims; however, during the reporting period several child and male victims were placed in shelters run by the Ministry of Family and Social Policies (MOFSP). The Directorate General for Migration Management (DGMM) and MOFSP drafted an operating protocol during the reporting period to guide their coordination in placing child and male victims in MOFSP shelters. The government continued to grant any identified foreign trafficking victim automatic residency status for 30 days, which could be extended for up to three years; victims were not repatriated unless they requested it. Observers reported the distribution of DGMM's social workers and psychologists throughout the country was uneven, although the government hired 45 social workers and 45 psychologists to work on trafficking cases in the provinces. In addition, NGOs alleged that the government delegated significant authority for victim identification interviews to newly-hired migration experts who lacked specialized trafficking experience. This reduced the quality of victim identification efforts and potentially re-traumatized victims. NGOs reported significant hurdles for victims in the work permissions process, including a requirement that victims move out of trafficking shelters to be eligible.

## PREVENTION

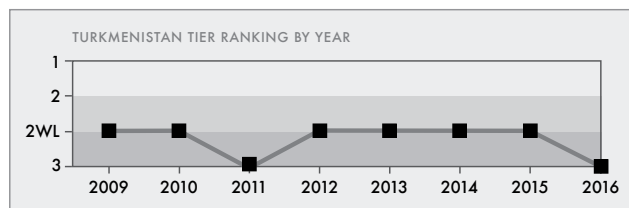
The government increased some prevention efforts; however, efforts on key national-level coordination mechanisms were stalled. The government did not convene its interagency taskforce on combating human trafficking during the reporting period; however, it convened working groups to discuss interagency cooperation and the referral mechanism. DGMM's Department for the Protection of Victims of Human Trafficking, which has the primary responsibility for coordinating the government's anti-trafficking efforts, hired a new director, engaged and trained new staff, and drafted a regulation that will provide greater legal definition to national efforts to combat trafficking in persons, including interagency cooperation. The government did not update its 2009 national action plan. The government took over operational control of the hotline for trafficking victims and law enforcement tips, and it publicized the phone number on pamphlets and posters in airports and other ports of entry around the country. The scope of the hotline expanded in 2015 from trafficking to include all migration-related issues, which increased the complexity of staffing the line with persons qualified to handle trafficking allegations. DGMM opened offices in all 81 provinces and tasked them with coordinating with law enforcement in identifying trafficking victims. The government also conducted public outreach on human trafficking in mid-2015. In January 2016, Turkey ratified the Council of Europe's Convention on Action against Human Trafficking, which has an independent monitoring mechanism. In January 2016, the government adopted a regulation allowing Syrians registered for temporary protection to work legally in the country. The government registered more refugees in the country, which

made them eligible for protective services. The provincial offices of the DGMM reportedly screened for trafficking indicators in all migration and asylum-related interviews. The government funded an expert to analyze the effectiveness of the referral mechanism. In September 2015, the government conducted field research on potential trafficking cases in media reports, although the scope of this effort remained unclear. The government neither made efforts to reduce the demand for commercial sex acts or forced labor, nor demonstrated efforts to prevent child sex tourism by Turkish nationals traveling abroad; furthermore, it denied child sex tourism occurred within Turkey or involving its nationals abroad. Turkish armed forces participated in anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

## TURKMENISTAN: Tier 3

Turkmenistan is a source country for men, women, and children subjected to forced labor and sex trafficking. Turkmen men and women are subjected to forced labor after migrating abroad for employment in the textile, agricultural, construction, and domestic service sectors. Turkmen women are also subjected to sex trafficking abroad. Residents of rural areas are the most at risk of becoming trafficking victims. Turkey and Russia are the most frequent destinations of Turkmen victims, followed by other countries in the Middle East, South and Central Asia, and Europe. Internal trafficking within the country is also a problem. Workers in the construction sector are vulnerable to forced labor. The ILO Committee of Experts' report "notes with deep concern the widespread use of forced labour in cotton production." To meet government-imposed quotas for the cotton harvest, local authorities require university students, private-sector institutions, soldiers, and public sector workers (including teachers, doctors, nurses, and others) to pick cotton without payment and under the threat of penalty. Government officials threatened public sector workers with dismissal, having work hours cut, or salary deductions. Authorities threatened farmers with loss of land if they did not meet government-imposed quotas. In addition, the government compulsorily mobilized teachers, doctors, and other civil servants for public works projects, such as planting trees.

The Government of Turkmenistan does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts compared to the previous reporting period. Although Turkmenistan meets the criteria for Tier 2 Watch List, because it has been on Tier 2 Watch List for four years it is no longer eligible for that ranking and is therefore ranked Tier 3. During the reporting period, the government continued to mobilize forced labor and did not take action to end its use of forced labor in the cotton harvest during the reporting period. The government adopted a 2016-2018 national action plan on March 18, 2016, which was the top recommendation in the 2015 TIP Report. It identified 12 trafficking victims, prosecuted three cases of trafficking in persons, and convicted nine traffickers. The government did not fund international organizations or NGOs to provide victim services, although it approved foreign funding for these services through international organizations.



## RECOMMENDATIONS FOR TURKMENISTAN:

Take substantive action to end the use of forced adult labor during the annual cotton harvest, particularly by modifying the governmental policies that create pressure for mobilizations of labor; provide victim care services directly or by funding civil society; train police to recognize and investigate sex and labor trafficking crimes occurring within Turkmenistan; develop formal written procedures to identify and refer victims to protection services and train police, migration officers, and other relevant officials on such procedures; investigate and prosecute suspected trafficking offenses using article 129, respecting due process, and convict and punish trafficking offenders; continue to provide training for relevant government authorities on the proper application of article 129; and increase awareness of trafficking among the general public through government-run campaigns or financial support for NGO-run campaigns.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The government prohibits all forms of trafficking in persons through article 129 of its criminal code. Prescribed penalties under this statute range from four to 25 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 129, however, provides that, unless certain aggravating circumstances are present, a convicted trafficking offender would not be sentenced if he or she voluntarily freed the victim. The government initiated prosecution of three cases under article 129 in 2015, compared with six cases in 2014. The government reported convictions of nine persons in 2015, compared with nine in 2014. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. The government reported it independently trained officials on trafficking-related issues.

## PROTECTION

The government made limited efforts to protect and assist victims. The government identified 12 victims in 2015; the government identified 19 victims in 2014 and 33 in 2013. An international organization reported assisting 40 victims. The government did not provide comprehensive services to all victims of trafficking, nor did it fund international organizations or NGOs to provide such services. An NGO operated one shelter for female trafficking victims in Turkmenistan with foreign donor funding. The shelter provided services to eight female victims in 2015. During the reporting period, the government did not have formal written procedures to identify victims or a formal process to refer victims to care providers, but the government agreed to create these procedures in March 2016. In the interim, migration officers would informally refer suspected trafficking victims to an international organization, which screened and later referred victims to the shelter. Government officials attended a workshop organized by an international organization in May 2015 on developing an identification and

referral mechanism, and the government agreed to establish a national referral mechanism. The prosecutor general's office reported victims could apply for physical protection and assistance in obtaining free medical care; however, officials did not provide details of specific cases where such assistance was provided during the year, and NGOs indicated some victims were required to pay for their own treatment. Prosecutors recognized the right of victims to come forth voluntarily and reported they would not pressure victims into giving information in support of prosecution efforts. There were no reports of victims seeking or obtaining restitution in civil suits. The government made no attempts to identify sex trafficking victims among women arrested for engaging in prostitution and, consequently, officials might have penalized sex trafficking victims for prostitution offenses. Government officials asserted trafficking has never occurred on Turkmen territory; rather, it occurred only to Turkmen who were abroad. After some Turkmen, including victims of trafficking, returned home following their deportation from other countries, the migration service reportedly blocked them from exiting Turkmenistan for a period of up to five years, but the government reported that it stopped fining persons deported from foreign countries, including potential victims.

## PREVENTION

The government made increased efforts to prevent human trafficking, but it did not take steps to remove forced labor from the cotton harvest. The government approved its first-ever national action plan to combat trafficking in March 2016. The action plan was developed in conjunction with civil society experts, and its planned activities spanned from 2016 to 2018. The plan's objectives included, among other goals, developing guidelines for the identification of victims, increasing victims' access to rehabilitation services, and increasing the anti-trafficking capacity of law enforcement. The government's approved 2016 budget included funding for the plan's implementation. The government approved the requests of an international organization and NGOs to conduct public information events and campaigns, including through state-owned newspapers. The government reported an international organization provided anti-trafficking training for its diplomatic personnel. The stateless population in Turkmenistan, mostly consisting of former Soviet citizens, was vulnerable to trafficking, but in 2015 the migration service worked with UNHCR to grant Turkmen citizenship to 361 stateless persons. The government made efforts to reduce the demand for commercial sex acts.

## UGANDA: Tier 2

Uganda is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Ugandan children as young as 7 years old are exploited in forced labor in the country in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, car washing, scrap metal collection, street vending, bars, restaurants, and domestic service. Prisoners in pre-trial detention engage in forced labor alongside convicts. Girls and boys are exploited in prostitution. Women and children from Uganda's remote and underdeveloped Karamoja region are particularly vulnerable to domestic servitude, commercial sexual exploitation, and forced begging. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and South Sudan are subjected to forced agricultural labor and prostitution in Uganda. Ugandan children

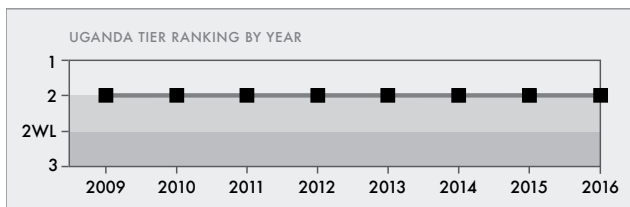


are taken to other East African countries for similar purposes and forced to engage in criminal activities. Additionally, many Karamojong children in Eastern Uganda endure forced labor in grazing and domestic servitude or are taken to Kampala where they are exploited. South Sudanese children in refugee settlements in northern Uganda are vulnerable to trafficking, and UNHCR suspects instances of trafficking involving this population. Until August 2006, the Lord's Resistance Army (LRA) abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters; Ugandan children and adults previously abducted remain unaccounted for, and some remain captive with LRA elements in the DRC, Central African Republic, and the disputed area of Kafia Kingi, which is claimed by both Sudan and South Sudan.

Licensed and unlicensed Kampala-based security companies and employment agencies continued to recruit Ugandans to work as security guards, laborers, and drivers in the Middle East. Some Ugandan migrant workers endured forced labor in South Sudan, United Arab Emirates (UAE), Saudi Arabia, Qatar, and Kuwait, even when recruited by licensed agencies. Official complicity hindered government oversight of labor recruitment agencies. Despite a ban on recruiting Ugandans for domestic work overseas, licensed and unlicensed agencies circumvented this ban, recruiting for "cleaners" or other trades with the intent of employing women in domestic work. Some Ugandan women fraudulently recruited for employment in the Middle East were exploited in forced prostitution in UAE, Oman, Saudi Arabia, and Qatar. Illegal Kampala-based labor recruiters and brokers also operated in Rwanda, and illegal Nairobi-based recruiters were active in Uganda, recruiting Ugandans and resident Rwandans and Kenyans through fraudulent offers of employment in the Middle East and Asia.

A network of Ugandans reportedly coordinated sending Ugandan women to Kuwait and UAE where they were subjected to forced labor and forced prostitution. During the reporting period, the government reported the top destination countries for Ugandan trafficking were UAE, South Sudan, and Saudi Arabia, with the largest number of Ugandan victims identified in UAE.

The Government of Uganda does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government investigated 108 trafficking cases in 2015, involving 347 victims. It reported 15 prosecutions and three convictions in 2015, in comparison with 23 prosecutions and four convictions the previous reporting period. It maintained strong efforts to identify trafficking victims and in 2015 began implementing standard procedures to identify child victims. The government did not provide victims with adequate services and relied on international organizations and NGOs to provide necessary care. The Coordination Office to Combat Trafficking in Persons (COCTIP) made efforts to raise public awareness. The government allocated funding to COCTIP for the first time. Limited funding for the Ministry of Gender, Labor, and Social Development (MGLSD), and its External Employment Unit (EEU), resulted in restricted services for victims.



## RECOMMENDATIONS FOR UGANDA:

Significantly increase the availability of victim services by allocating resources for direct care provision or to NGOs that assist victims; designate an official entity to coordinate and oversee services for trafficking victims to ensure appropriate services are rendered; increase resources dedicated to anti-trafficking efforts within EEU and the Ministry of Internal Affairs (MIA); increase funding to Ugandan embassies to better assist trafficking victims abroad; establish policies and procedures for all front-line officials to identify adult trafficking victims and refer them to entities providing formal victim assistance; finalize regulations to fully implement the protection and prevention provisions of the 2009 Prevention of Trafficking in Persons (PTIP) Act; increase efforts to prosecute, convict, and punish traffickers; complete amendments to labor export regulations and use existing laws to proactively investigate and punish labor recruiters contributing to the sending of Ugandans into forced labor or prostitution abroad; institutionalize anti-trafficking training, including victim identification techniques, for all front-line officials, including diplomatic personnel; establish a unified system of documenting and collecting data on human trafficking cases for use by law enforcement, labor, and social welfare officials; expand the anti-trafficking public awareness campaign, with a particular focus on forced labor; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2009 PTIP Act prohibits all forms of trafficking, prescribing punishments of 15 years' to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Amendments were proposed by EEU seeking to increase oversight of employment contracts and extend criminal liability for trafficking offenses to labor recruiters. These amendments remained pending for the fourth consecutive year.

The government reported 108 trafficking investigations, 15 prosecutions, and three convictions in 2015. One trafficker was sentenced to one year's imprisonment for labor and sexual exploitation; another was sentenced to a fine of 800,000 Ugandan shillings (\$235) for labor exploitation; and the third trafficker was fined 200,000 Ugandan shillings (\$58) for labor exploitation. As the anti-trafficking act prohibits illegal adoption and child selling, government-reported statistics may include such cases, which are not considered trafficking in persons under the 2000 UN TIP Protocol definition unless the adoption and child selling is for the purpose of forced labor or sex trafficking. In one case, the government prosecuted an Indian national for the labor exploitation of 43 Indians. Following a November 2015 request from the Department of State, the Ugandan government declined to waive immunity to allow the prosecution of a Ugandan diplomat and his spouse for labor trafficking and related offenses; the couple subsequently left the United States. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. Some civil servants and members of Parliament who own labor recruitment firms interfere in the certification of some firms, and, at times, use promises of good jobs abroad as a means to seek votes. Some judicial officers were not aware of the PTIP Act. NGOs reported trafficking victims are often paid monetary settlements by suspects to withdraw their requests and support for trafficking prosecutions. The government maintained its cooperative efforts with Rwanda, Kenya, and South Sudan.

However, its ability to cooperate internationally on trafficking investigations was hampered by a lack of funding.

The national taskforce, with support from international donors, provided training and logistical assistance for more than 224 law enforcement officials, social workers, and civil aviation officers on identification procedures, case management, investigation and prosecution techniques, and on guidance for assisting child trafficking victims during the year. In March and April 2015, Makerere University's Department of Social Work and Administration trained five police officers from the Child and Family Protection Unit on the protection of child victims. In collaboration with an international organization, MIA created a training curriculum on trafficking issues for immigration officers.

## PROTECTION

The government made modest protection efforts. The government reported identifying at least 347 victims (an increase from 293 the previous reporting period), including 205 victims of forced labor and at least 21 of sex trafficking; the form of trafficking experienced by the remaining potential victims was unclear. Of the 347 victims, COCTIP registered 48 foreign trafficking victims, of whom 45 were Indian, two Tanzanian, and one Burundian. COCTIP also identified and referred to care 26 potential victims, including 22 Bangladeshis and four Ethiopians being transported through Uganda. In 2015, in partnership with NGOs, the national taskforce developed victim identification and assistance guidelines for child trafficking victims; the immigration department distributed these guidelines to immigration officers and provided training on their implementation. Nonetheless, the government remained without procedures to identify adult trafficking victims or a formal process to refer victims to protective services; however, the national taskforce and MGLSD consulted with an international organization to begin development of formal guidelines for victim referral. It did not complete implementing regulations for the 2009 PTIP Act or allocate funding for the implementation of its victim protection provisions. The government reported providing medical treatment, counseling assistance, and transportation through police clinics to victims; however, it continued to rely on NGOs and international organizations to provide most victim services. Victim care remained inadequate and services available were primarily for women.

The government provided repatriation assistance to seven Ugandan female trafficking victims from Saudi Arabia in January 2016. The government did not provide adequate shelter for many transnational victims identified outside of Uganda; it lacked funding and safe housing to temporarily house victims. In January 2016, the government banned the recruitment of domestic workers to Saudi Arabia due to reports of poor working conditions. While the PTIP Act prohibits the punishment of trafficking victims, due to lack of police awareness, the government detained trafficking victims, including children. Street children, including potential trafficking victims, were often held for up to three months at an under-resourced MGLSD juvenile rehabilitation center that provided food, medical treatment, counseling, basic education, and family-tracing services. Reports indicated police and communities treat street children as criminals, arbitrarily arresting, detaining, and beating them, and forcing them to clean detention facilities. Ugandan law permits foreign trafficking victims to remain in Uganda during the investigation of their cases and to apply for residence and work permits. However, victims cited a lack of faith in the judicial process and long court procedures as reasons for not

remaining in the country to see their case through.

## PREVENTION

The government maintained its prevention efforts. The government launched and began to implement a national action plan to combat trafficking, but did not allocate sufficient resources for its full implementation. The MIA continued to oversee the government's COCTIP office, led by the national coordinator, a police commissioner. Staffing of the COCTIP office remained low. The national taskforce, with funding from MIA, coordinated with NGOs to conduct awareness campaigns through broadcast media and billboards, purposefully targeted at potential victims, including community outreach to schools during the year.

In 2015, the government continued its national awareness campaigns—composed of talks, media outreach, and distribution of written materials. The national taskforce placed banners at MIA's Office of Police Special Investigation Division and INTERPOL with information on identifying traffickers and getting help. INTERPOL continued additional screening for trafficking indicators for those attempting to emigrate for work. Immigration officials scrutinized travel documents, passports, and reasons for travel before clearing travelers to depart Uganda for work in foreign countries; however, there were reports of passport confiscation and restrictions to Ugandan citizens' freedom of movement, which reportedly led migrants to take more precarious routes through neighboring countries, such as Kenya.

The government's oversight of labor recruitment agencies remained inadequate. For the second consecutive year, the MGLSD continued its review of the regulations on the export of labor for the purpose of addressing trafficking loopholes used by recruitment agencies. The existing Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, and Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad, 2015, remained in effect during this review process. Beyond corruption interfering in the oversight of labor recruitment firms, EEU remained understaffed, hindering implementation of its mandate; it did not conduct monitoring visits of employment agencies, as it had in the previous reporting period. The government did not report making efforts to close unlicensed recruitment agencies or suspend the licenses of those suspected of facilitating human trafficking; it merely recommended recruitment agencies bear the responsibility for repatriation of victims or face deregistration. The government did not pursue criminal prosecutions—under the 2009 PTIP Act—of these or other agencies for their role in fraudulent recruitment of Ugandans for overseas employment. MGLSD led the national taskforce's efforts in concluding a bilateral agreement with Saudi Arabia and continued negotiations with Kuwait and Qatar, although such agreements were not finalized at the end of the reporting period. The government continued to hold orientation sessions for Ugandans departing for work abroad, including on how to seek assistance if experiencing abuse. Labor officers and community development officers directed employers to stop using child labor and sometimes referred child labor cases to the police. The Industrial Court was previously established to hear child labor cases; however, no child labor cases were brought to the court during the reporting period. The government did not provide formal anti-trafficking training for its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Uganda is not a party to the 2000 UN TIP Protocol.

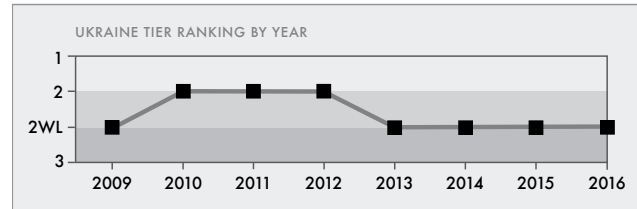
## UKRAINE: Tier 2 Watch List

Ukraine is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Ukrainian victims are subjected to sex trafficking and forced labor in Ukraine, as well as in Russia, Poland, Turkey, the United States, and other parts of Europe, Central Asia, and the Middle East. Ukrainian women and children are subjected to sex trafficking within the country. Some Ukrainian children and vulnerable adults are subjected to forced begging. A small number of foreign nationals, including those from Moldova, Russia, Vietnam, Uzbekistan, Pakistan, Cameroon, and Azerbaijan, are subjected to forced labor in Ukraine in a variety of sectors including construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging. The approximately 82,000-200,000 children institutionalized in state-run orphanages are especially vulnerable to trafficking. Officials of several state-run institutions and orphanages are allegedly complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

Fueled by Russia's aggression, the conflict in eastern Ukraine has displaced nearly two million people, and this population is especially vulnerable to exploitation. In areas controlled by the Russia-led separatists, the situation has become particularly challenging. Employment options are limited and separatist "authorities" have restricted international humanitarian aid that would help meet civilian needs. There have been reports of kidnapping of women and girls from conflict-affected areas for the purposes of sex and labor trafficking. In 2015, there were several reports of Ukrainian internally displaced persons subjected to trafficking, as well as Ukrainians subjected to forced labor on territory not under control of the central government. During the reporting period, a variety of sources, including the OSCE Special Monitoring Mission in Ukraine, reported children as young as 15 years old continued to take part in active combat as part of combined Russian-separatist forces. There were reports that children ages 15 to 17 were actively being recruited to participate in militarized youth groups that teach children to carry and use weapons. Children who excel in this training were encouraged to form their own reconnaissance and sabotage groups and begin to fight. A Ukrainian government official reported that one children's battalion associated with this training program, the St. George the Victor Battalion, may include children as young as 12 years old. The recruitment of children by militant groups took place on territory not under the control of the central government and in areas where the government was unable to enforce national prohibitions against the use of children in armed conflict. Russian-led separatists also continued to employ children as informants and human shields during the reporting period.

The Government of Ukraine does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Ukraine is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Ukraine was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. During the reporting period, the government developed and approved a new national action plan and approved more applications for official victim status. However, several factors

hindered the government's anti-trafficking efforts and capacity: corruption and weak rule of law; the drain on resources caused by Russian aggression; poor coordination at the national level; and a lack of understanding in government agencies about the issue. The number of trafficking convictions declined sharply, continuing a multi-year decline, and nearly 70 percent of convicted traffickers were not penalized with imprisonment. The government relied on foreign donors and NGOs to fund and provide most victim services.



### RECOMMENDATIONS FOR UKRAINE:

Vigorously investigate and prosecute trafficking offenses, including public officials complicit in trafficking crimes, and ensure convictions result in proportionate and dissuasive sentences; provide adequate resources for and fully implement the 2016-2020 national action plan; certify more victims to ensure they are afforded their rights under the trafficking law; modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge traumatizing information; increase training for officials on victim identification, particularly in proactive screening of vulnerable populations, such as women in prostitution, children in sex trafficking, foreign migrant workers, and internally displaced persons; increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, including how to work with victims and gather evidence outside of victims' testimony; increase law enforcement monitoring of recruitment firms engaged in fraudulent practices that can lead to exploitation; and harmonize the trafficking law and the Law on the Legal Status of Foreigners to ensure foreign victims are entitled to remain in the country and access to victim services.

### PROSECUTION

The government demonstrated weakened law enforcement efforts in pursuing trafficking cases. Article 149 of the criminal code prohibits all forms of trafficking and prescribes penalties from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 111 suspected trafficking offenses in 2015, compared with 109 in 2014. Authorities initiated prosecutions of 59 cases in 2015 under article 149, but provided no number for comparison to 2014. The government convicted 25 traffickers in 2015 under article 149, a continued decline from 57 in 2014 and 109 in 2013. Of the 32 convicted traffickers whose sentences came into effect in 2015, only 12 were sentenced to prison terms, which ranged from one to 10 years, and the government confiscated assets from six defendants. Authorities collaborated with foreign governments on transnational investigations, including Israel, Poland, and the United States. The government, in conjunction with international funding and partners, provided training for 250 judges, prosecutors, and law enforcement officers. NGOs reported many local officials including law enforcement officials are new, following elections, decentralization, civil service reform, and police reforms; consequently, they were not sufficiently aware of trafficking or trained in how to respond. Prosecutors'



heavy reliance on the testimony of victims hindered successful prosecutions; victim testimony is an unreliable foundation for prosecution as victims may decide not to testify in open court due to intimidation or be too traumatized to give consistent testimony. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, despite reports of government corruption enabling trafficking and of official complicity in the sex and labor trafficking of children housed in state-run institutions and orphanages.

## PROTECTION

The government demonstrated progress in some areas of protection. In 2015, an international organization assisted 740 victims, compared with 903 in 2014. The government identified 102 victims in 2015, compared with 86 in 2014, reversing a multi-year trend in declining victim identification efforts. Similar to 2014, law enforcement and other officials identified only nine percent of the victims referred to an international organization in 2015. The government received more applications requesting official victim status and approved a significantly higher proportion of them: authorities approved 83 out of 91 applications in 2015, compared with 27 of 48 in 2014. The government's current procedure to identify victims relies on the victims—often exiting traumatic situations—to self-report and provide evidence of their victimization; this procedure led many victims to refuse to go through the process. Observers reported police did not display a willingness to screen individuals in prostitution in Ukraine for signs of trafficking.

International donors continued to provide the majority of funding for anti-trafficking activities and assistance to victims. The government disbursed 46,300 hryvnia (\$1,900) to the national budget and 215,900 hryvnia (\$9,000) to local budgets for anti-trafficking measures in 2015, an overall decrease from 2014. Within the local budgets, 104,400 hryvnia (\$4,400) was allocated to fund NGOs. The government also provided each of the 83 officially recognized victims with financial assistance in the amount of 1,176 hryvnia (\$49). The trafficking law, "On Combating Trafficking in Human Beings," which outlines protection requirements for victims, entitles victims to receive free temporary housing at a government shelter, psychological assistance, medical services, employment counseling, and vocational training. Most victims requiring shelter stayed at a rehabilitation center run by an international organization. Adult victims could also stay at government-run centers for socio-psychological assistance for up to 90 days and receive psychological and medical support, lodging, food, and legal assistance. Women and men were accommodated in separate rooms. GRETA reported the provision of assistance was problematic due to funding shortfalls and shortage of trained staff. Non-governmental partners delivered assistance not provided by public social services. Child victims could be accommodated in centers for socio-psychological rehabilitation of children for up to 12 months and receive social, medical, psychological, education, legal, and other types of assistance; however, no child trafficking victims used these services in 2015. In November 2015, the government and an international organization trained the heads of each regional child welfare services office on identifying trafficking indicators among vulnerable children.

The trafficking law affords foreign victims the right to remain in the country, but that right is not explicitly incorporated into the Law on the Legal Status of Foreigners; as a result, foreign victims have had difficulties obtaining legal status to stay in

Ukraine and be eligible to receive ongoing access to victim services. Authorities did not identify any foreign victims in Ukraine in 2015. The government drafted legislation to amend employment laws to allow certified foreign victims to work legally, as provided in the trafficking law; these amendments were not submitted to the legislature by the close of the reporting period. In 2015, 66 victims participated in the prosecution of alleged traffickers. Authorities provided physical security to four victims and provided identity changes for three victims assisting prosecutions in 2015. Courts have the authority to order compensation for victims that sought restitution, but corruption, unavailability of assets, and low effectiveness of the enforcement process hampered the administration of these decisions. Courts ordered 290,000 hryvnia (\$12,100) in restitution to victims in 2015. Various protective measures were available inside courtrooms for victims who testified at trial, but in practice, authorities rarely applied these measures and often did not treat trafficking victims serving as witnesses in a victim-sensitive manner.

## PREVENTION

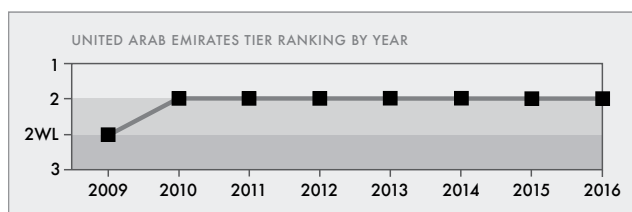
The government demonstrated mixed progress on prevention. The government approved its 2016-2020 national action plan in February 2016, and the Ministry of Social Policy (MSP) published an annual report on government anti-trafficking activities in 2015. In January 2016, ministries signed a joint order to create a unified database of statistics on trafficking crimes. Authorities developed an array of awareness campaigns, which particularly targeted young individuals seeking employment abroad. The government's ability to conduct labor inspections drastically declined in 2015 due to funding reductions and new rules governing inspections. MSP continued to publish a list of licensed recruitment companies. There were no criminal cases related to trafficking against recruitment agencies in 2015. The government conducted counter-trafficking pre-deployment trainings for Ukrainian troops assigned to multinational missions and provided anti-trafficking training for its diplomatic personnel. The government did not demonstrate specific efforts to reduce the demand for commercial sex acts and forced labor.

## UNITED ARAB EMIRATES: Tier 2

The United Arab Emirates (UAE) is a destination and transit country for men and women predominantly from South, Southeast, and Central Asia and Eastern Europe subjected to labor and sex trafficking. Migrant workers, who comprise more than 95 percent of UAE's private sector workforce, are recruited globally, with a majority from South and Southeast Asia, the Middle East, and a small percentage from East Africa; some of these workers are subjected to forced labor in UAE. Women from some of these countries travel willingly to UAE to work as domestic workers, massage therapists, beauticians, hotel cleaners, or elsewhere in the service sector, but some are subjected to forced labor through unlawful passport withholding, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Sponsorship laws restrict the ability to leave an existing employer and often give employers power to control foreign domestic workers' movements, cancel residence permits, deny workers the ability to change employers, deny permission to leave the country, and threaten employees with abuse of legal processes, making them vulnerable to exploitation. To address longstanding problems

with source-country labor recruitment companies charging workers exorbitant fees and hiring them with false employment contracts, effectively forcing workers into involuntary servitude and debt bondage, UAE issued decrees in 2015 specifically to combat contract switching and make contracts enacted in source countries enforceable under UAE law. Though under UAE laws employers must cover the cost of recruitment, many source-country labor recruitment companies continue to charge workers high fees in home countries outside of UAE jurisdiction causing them to enter UAE owing debts in their countries of origin. Some women from Eastern Europe, Central Asia, East and Southeast Asia, East Africa, Iraq, Iran, and Morocco are subjected to forced prostitution in UAE.

The Government of the United Arab Emirates does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2016, the government implemented three new labor reforms intended to reduce forced labor practices among foreign workers in the private sector by ensuring consistency between initial job offers and final contracts and increasing the ability of employees to leave their jobs and seek new ones. In March 2015, the government put into effect amendments to victim protection clauses of Federal Law 51 of 2006 on Combating Human Trafficking Crimes, including non-penalization of victims for crimes committed as a direct result of being subjected to trafficking. The government's anti-trafficking criminal prosecutions continued to largely focus on sex trafficking. The government prosecuted 17 sex trafficking cases involving 54 traffickers, compared to 15 sex trafficking cases involving 46 traffickers in 2014. It also referred two labor trafficking cases for prosecution involving 10 laborers, in comparison to none the previous year. The government convicted six traffickers and reported sentences were up to five years' imprisonment. The government provided assistance to at least 42 trafficking victims during the reporting year. With regard to domestic employees, who fall under the jurisdiction of the interior ministry and who are not covered by most labor protections afforded to private sector workers including the newly penned laws enacted January 2016, the government did not enforce a prohibition on withholding workers' passports by employers, which remained a problem. The government provided avenues to settle migrant workers' complaints of abuse through hotlines and a formal process for registering disputes. The government continued to implement numerous awareness campaigns and held trainings for labor recruitment agencies and police. The National Committee to Combat Human Trafficking (NCCHT) continued to implement the national action plan.



## RECOMMENDATIONS FOR THE UNITED ARAB EMIRATES:

Significantly increase efforts to investigate, prosecute, and punish trafficking offenses, especially labor trafficking involving domestic workers, and convict and punish traffickers, including recruitment agents and employers; pass and implement comprehensive laws to improve protections for domestic workers; continue to use standard procedures for victim

identification among foreign workers subjected to forced labor, particularly domestic workers who have fled their employers; provide protection services to all trafficking victims, including of forced labor on par with those available for sex trafficking victims; uphold amendments to law 51 to ensure victims are not incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to trafficking; allow all male trafficking victims, of both sex and labor trafficking, access to services at the new shelter for male victims; and enforce prohibitions on withholding workers' passports.

## PROSECUTION

The government moderately increased anti-trafficking law enforcement efforts. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government prosecuted 17 sex trafficking cases involving 56 defendants; three cases resulted in the conviction of six traffickers and 14 cases remained pending at the end of the reporting period. It also referred two labor trafficking cases for prosecution involving 10 laborers, in comparison to none the previous year. Federal law 51 prohibits all forms of trafficking and prescribes penalties ranging from one year to life in prison, as well as fines and deportation. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In September 2015, the government issued three new labor decrees intended to reduce forced labor practices among private sector workers. Ministerial Decree 764 requires employers to give potential employees a contract at the time an offer is made, which meets standard criteria and is in a language the individual understands, prior to the prospective employee applying for a visa to enter the country. The contract must then be signed by the worker a second time within one week of entering the country, making it legally enforceable in the UAE and eliminating employers' ability to change the promised terms of the original job offer. Ministerial Decree 765 makes it easier for employees, unilaterally or in mutual agreement with an employer, to terminate job contracts. Ministerial Decree 766 ensures that an employee may seek employment with a new employer as long as the old employment relationship was terminated consistent with the prior decree. The three newly issued decrees do not apply to domestic workers, and a draft law protecting their rights, which the cabinet approved in January 2012, remained awaiting final approval and enactment for the fourth consecutive year.

The government continued to respond to and investigate workers' complaints of unpaid wages through a dispute resolution process and the Wages Protection System (WPS), which is intended to ensure the payment of wages to workers and punish employers with administrative and financial penalties for failing to comply. Workers filed labor complaints through hotlines or in person with the Ministry of Labor (MOL). During 2015, MOL received 2,071 inquiries from workers regarding their rights and various contract provisions. In addition, the MOL labor relations office settled 1,514 wage disputes, and another 48,850 cases of wage arrears were identified through automated systems and resolved through regulatory action. The government referred two of these labor violations for potential forced labor crimes for criminal prosecution. Especially with regard to domestic workers, the government did not enforce a prohibition on employers withholding workers' passports, which remained a widespread problem for household employees, although considerably less so for private sector workers. MOL maintains a staff of 63 multi-lingual labor law specialists to

preside over disputes. About three-quarters of disputes are resolved without going to court. For those that proceed to court, the average trial length in 2015 was 27 days.

The government continued to train judicial, law enforcement, and labor officials on human trafficking in 2015. In November, the NCCHT, Dubai Police, and the Dubai Judicial Institute launched a four-month diploma program to train government officials on handling human trafficking issues. The first class consisted of about 25 students including senior members of various government organizations. In addition, the Ministry of Interior (MOI) continued anti-trafficking training during the reporting year; 3,302 individuals were trained, and 12,104 individuals attended various lectures and other events.

## PROTECTION

The government made increased efforts to identify and provide protective services to sex trafficking victims, but most notably in the case of domestic workers did not proactively identify forced labor victims. During the reporting year, the government identified and referred to protective services 35 trafficking victims, in comparison to 20 sex trafficking victims the previous year. The government continued to fund shelters for female and child victims of sex trafficking and abuse in Abu Dhabi, Dubai, Ras al Khaimah, and Sharjah; these shelters provided medical, psychological, legal, educational, and vocational assistance. The government also continued to fund a shelter for male victims; however, no male trafficking victims entered the shelter during the reporting period. MOI continued to distribute guidelines for law enforcement officials with standard operating procedures for identifying victims of both sex and labor trafficking. MOI and the government-funded shelters continued to implement their memorandum of understanding, which ensured police were responsible for referring and escorting victims safely to shelters.

Some domestic workers, including victims of abuse by their employers, continued to seek shelter assistance at their embassies and consulates in part due to a lack of government shelters for forced labor victims. The government continued to implement a system to place suspected trafficking victims in a transitional social support center, instead of a detention center, until victim identification was completed.

The government increased its disbursement of funds to trafficking victims, allocating 294,000 dirham (\$80,000) in 2015 to help with repatriation expenses such as housing, children's education, and medical expenses, in comparison to 205,000 dirham (\$56,000) in the prior year. The government exempted trafficking victims who had an ongoing court case against an employer for labor abuses from paying fines accrued for overstaying their visas and offered trafficking victims shelter, counseling, and immigration relief. The government did not provide permanent residency status to victims; however, the government worked with international organizations to resettle victims who could not return to their home countries. Workers whose employer did not pay them for 60 days were entitled to stay in the country and search for a new employer. The government continued to assist foreign workers who faced abuse and exploitation through its human rights office in Dubai International Airport.

## PREVENTION

The government made increased efforts to prevent human trafficking during the reporting year and continued to carry out its national action plan to address human trafficking. The

NCCHT website includes information on its anti-trafficking strategy and an annual publication of the government's efforts. The government implemented several awareness campaigns and publicized its anti-trafficking hotline—operated by the inter-ministerial NCCHT. In April 2015, the Permanent Committee for Labour Affairs, in collaboration with a private company, launched a year-long multi-lingual campaign to inform unskilled workers in Dubai about their rights. In October 2015, the government launched a two-year national awareness campaign aimed at recruitment agencies for domestic labor, consisting of police department visits to recruiters, recruiter education on their legal requirements, and recruiter training in recognizing signs of human trafficking, as well as the distribution of information to domestic workers arriving at airports warning them of recruiting scams and providing options available for help. In December 2015, the government launched a separate six-month campaign in multiple languages to educate individuals entering the country to take low-wage jobs on human trafficking laws and their options for help. The campaign also included training police and airport personnel in recognizing signs of trafficking. In 2015, the Dubai Foundation for Women and Children provided women discharged from their shelters with pamphlets to distribute in their home countries and educate their community and peers on the risks of becoming trafficking victims. MOI hosted 22 campaigns aimed at educating workers about their rights. The Dubai Police Human Trafficking Crimes Control Center provided lectures and training to 4,490 students, government employees, and workers. MOL provided education and training to 203,584 workers through various awareness initiatives. MOL reported 78,847 work-site inspections, including 27,242 field visits to ensure compliance with a ban on midday work from 12:30-3:00 p.m. between June 15 and September 15. These inspections found 85 work permit violations, 52 safety violations, and 30 mid-day work ban violations. In addition two suspected cases of human trafficking were referred to prosecution. MOL also conducted regular inspections of labor camps and during the year suspended the issuance of hiring permits at 15 companies for failing to provide adequate housing for their workers. The government sustained its WPS electronic salary-monitoring system intended to ensure workers received their salaries. The government also requires employers to provide bank guarantees, currently totaling 22 billion dirham (\$6 billion), which can be drawn on to meet unpaid wage obligations or in cases of company bankruptcy. Since its implementation in 2009, the government has used this mechanism to recover 41 million dirham (\$11 million) for 16,497 workers from 371 companies that have defaulted on their wage obligations. The government provided anti-trafficking training for its diplomatic personnel. The government made efforts to reduce the demand for forced labor but did not take measures to reduce the demand for commercial sex acts in UAE.

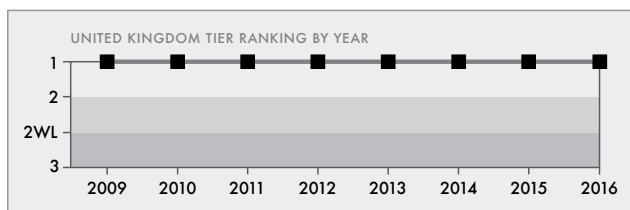
## UNITED KINGDOM: Tier 1

The United Kingdom (UK) is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude. Most foreign trafficking victims come from Africa, Asia, and Eastern Europe. Albania, Vietnam, Nigeria, Romania, and Poland were the top countries of origin for potential victims identified during the past year. UK children continue to be subjected to sex trafficking within the country. Officials identified two potential transgender sex trafficking victims in 2015. Migrant workers in the UK are subjected to forced labor in agriculture,



cannabis cultivation, construction, food processing, factories, domestic service, nail salons, food services, car washes, and on fishing boats. Children in the care system and unaccompanied migrant children are vulnerable to trafficking. Foreign domestic workers in diplomatic households are particularly vulnerable to trafficking and abuse. In Northern Ireland, migrants from Albania and Romania are vulnerable to forced labor in agricultural work and at car washes.

The Government of the United Kingdom fully meets the minimum standards for the elimination of trafficking. In 2015, the government enacted the Modern Slavery Act, which consolidated and strengthened existing laws for perpetrators, increased protections for victims, and established the UK's first independent anti-slavery commissioner. The act was also the first national law in the world to require large corporations operating in the country to publish the steps they are taking to eradicate trafficking from their supply chains. The independent anti-slavery commissioner released a strategic plan, laying out priorities for the UK to combat human trafficking from 2015 to 2017 and a roadmap for accomplishing them. The government prosecuted 60 percent more traffickers in 2015 than in 2014 and had 50 percent more successful convictions. While authorities continued to identify a large and growing number of potential trafficking victims, a 40 percent increase over the previous reporting period, the victim identification and referral system did not assist all those requiring help. In particular, the government did not provide for victim care following a 45-day reflection period, after which authorities generally deported foreign victims.



## RECOMMENDATIONS FOR THE UNITED KINGDOM:

Increase funding for and access to specialized services for trafficking victims, regardless of their immigration status; provide a trafficking-specific long-term alternative to deportation or repatriation for foreign victims; allow potential victims to access services from care providers before having to engage with law enforcement; consider extending the reflection and recovery period; expand independent child trafficking advocate program nationally; address the vulnerability of foreign domestic workers under the current visa system and explore options to allow workers to change employers; increase training for law enforcement, public defenders, prosecutors, judges, and front-line responders, including in UK overseas territories, to improve responses to trafficking victims and ensure victims are not prosecuted for crimes committed as a result of being subjected to trafficking; increase investigations in high-risk labor sectors, including by passing and enacting draft legislation that would expand the jurisdiction of the Gangmasters Licensing Authority; and increase efforts to prosecute, convict, and sentence traffickers with strong sentences.

## PROSECUTION

The government maintained prosecution efforts. The Modern Slavery Act 2015 prohibits all forms of trafficking and prescribes

penalties ranging from fines to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. This act gave law enforcement new powers to pursue perpetrators at sea, including the power to board, divert, and detain vessels; make arrests; and seize evidence while investigating potential offenses at sea. Northern Ireland enacted the Human Trafficking and Exploitation Act in January 2015 and Scotland enacted the Human Trafficking and Exploitation Bill in November 2015. In Northern Ireland, the law created a new preparatory offense authorizing arrest of individuals preparing to engage in human trafficking. A preparatory offense was already in place in England and Wales. The Northern Ireland law now criminalizes the purchase of commercial sex. Laws across the UK now allow for the seizure of convicted trafficker's assets and for reparations to victims.

The government did not report the total number of trafficking investigations initiated in 2015. The government reported authorities prosecuted 295 suspected traffickers and convicted 192 traffickers in England and Wales between 2015 and 2016, an increase from the previous year's prosecution of 187 individuals and conviction of 130. The government did not report the proportion of offenses that were for sex trafficking versus labor trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Authorities in Northern Ireland reported convicting two traffickers, sentencing one to seven years in prison and the second to three years in prison. Northern Ireland also reported the extradition of a woman from Sweden to Northern Ireland on trafficking charges, following a three-year police investigation.

The government provided varying levels of anti-trafficking training to law enforcement officers, prosecutors, and justice officials. In June 2015, an NGO published a set of trafficking survivor care standards that the government has disseminated widely and included in law enforcement training materials. The Northern Ireland police service conducted training for officers, first responders, and call center staff, and developed specialized training for detectives. As of October 2015, more than 4,000 police service officers had completed online training on trafficking. The police service also participated in joint training on trafficking investigation with the Irish police force. Since April 2015, the Northern Ireland police service had a dedicated human trafficking unit, providing around-the-clock support to front-line officers and other agencies and conducting proactive operations to disrupt human trafficking.

## PROTECTION

The government increased protection efforts. Authorities identified 3,266 potential trafficking victims from 102 countries in 2015, compared with 2,340 potential victims in 2014; this 40-percent increase was a result of increased public awareness of modern slavery, following the introduction and enactment of the Modern Slavery Act. Of these, 53 percent were female and 46 percent were male, while 70 percent were adults and 30 percent were children. Of potential adult victims, 15 percent were referred for domestic servitude; 39 percent for other forms of labor trafficking; 38 percent for sex trafficking; and seven percent for unknown exploitation. Of children, seven percent were referred for domestic servitude; 29 percent for other forms of labor trafficking; 22 percent for sex trafficking; and 41 percent for unknown exploitation. Northern Ireland established a new liaison group in November 2015 that worked with individuals in prostitution to alert police to potential trafficking cases.

The UK operates the National Referral Mechanism (NRM), a process for identifying and providing care and support for trafficking victims. The initial referral to the system is generally made by a first responder, such as the police, the border patrol, or local authorities. Following the initial referral, the NRM has two steps for identification: a preliminary finding of “reasonable grounds” that an individual is likely a trafficking victim and a final decision of “conclusive grounds” that triggers victim protection measures. There is no formal appeal process for preliminary or final decisions, but a reconsideration of the decision can be requested. Only UK Visas and Immigration in the Home Office and the UK Human Trafficking Centre can make these decisions. Victims receiving a reasonable grounds decision enter a 45-day program of reflection and recovery with access to services such as accommodation, health care, and counseling. The government maintained a 6 million pound (\$8.8 million) contract with an NGO to coordinate the provision of care for adult victims in England and Wales under the NRM during the 45-day recovery and reflection period for the 2015-2016 fiscal year. In Wales, the Anti-Slavery Leadership Group tailored an individual plan that can extend beyond the 45-day period. In Northern Ireland, authorities contracted NGOs to work in tandem with government agencies to provide care for victims. As part of the Scottish government’s Human Trafficking and Exploitation Bill, victims of trafficking in Scotland also have the right to access support and assistance.

Foreign victims assessed as definite trafficking victims who cooperate with law enforcement may be granted temporary residency for up to a year, but the government did not report how many victims assisted with investigations. However, once a conclusive decision within the NRM system was made, authorities typically deported foreign victims. Long-term legal alternatives to removal to countries where victims might face hardship or retribution were only available through asylum procedures. NGOs in Northern Ireland criticized this practice and noted legal representatives discourage potential victims from entering the referral system because asylum would lead to better chances of remaining in Northern Ireland longer. NGO representatives reported potential victims were typically deported one year and one day from a conclusive decision and were not allowed to apply for asylum, whereas asylum-seekers typically spend many years in Northern Ireland and have a better chance of adjusting status as they develop stronger ties in Northern Ireland.

The government did not provide sufficient care for victims following the 45-day reflection period. Authorities have acknowledged NRM support is not intended to provide rehabilitation, and noted many victims were still profoundly vulnerable after 45 days. NGOs reported cases of victims returning to prostitution or being re-trafficked due to lack of long-term support. The government launched a year-long pilot in August 2015 to ensure the NRM was equipped to cope with the challenge of handling growing numbers of referrals and improving care. The pilot tested methods for streamlining and improving the NRM process recommended by a 2014 independent review.

Local children’s services offices provide support for children, but NGOs have raised concern that with no mandatory training for social workers, children did not receive adequate care. The Modern Slavery Act provides for independent child trafficking advocates (ICTA), who represent and support children within the legal system where there are reasonable grounds to believe they may be trafficking victims. A December 2015 independent report assessed a year-long ICTA pilot program and praised the

introduction of child advocates as a positive step, important in “ensuring clarity, coherence and continuity” for children. The government found the results of the pilot to be mixed and has delayed expansion of the program until a second pilot can be run. NGOs expressed disappointment in this decision. Scotland’s Human Trafficking and Exploitation Act also provides for an independent child trafficking guardian. Northern Ireland’s Human Trafficking and Exploitation Act 2015 provides for an independent legal guardian for children subjected to trafficking and unaccompanied children who arrive in Northern Ireland without a parent or primary caregiver.

Under the Modern Slavery Act, victims now have a statutory defense for crimes committed as a consequence of their trafficking. Similar provisions are included in the Northern Ireland and Scotland trafficking acts, although NGOs in Northern Ireland raised concerns that individuals being prosecuted may have been victims. NGOs reported a case of Chinese immigrants jailed for marijuana possession who are believed to have been unidentified trafficking victims forced to cultivate drugs. The UK and Northern Ireland’s trafficking laws improved access to special measures in courts by allowing trafficking victims to testify by video, behind a screen, or with the public removed from the court. The Modern Slavery Act provides increased powers to the courts to confiscate assets of convicted human traffickers and provide compensation to victims through Reparation Orders. Courts are now able to consider the totality of a defendant’s assets over the past six years as crime proceeds, with a view to confiscation. In September, a woman recruited from India and kept in domestic servitude for four years was awarded nearly 184,000 pounds (\$270,000) in compensation from her employers.

The Modern Slavery Act requires amendments to immigration law to allow foreign domestic workers who are trafficking victims to change employers and remain in the UK for at least six additional months. However, observers argued this system of “tied” visas continued to leave workers vulnerable, as it discouraged victims from reporting abuses. In response to ongoing concern, the government commissioned an independent review of visas for foreign domestic workers to determine if they lead to human trafficking. The review, published in June 2015, found the current system, which ties workers to a single employer and denies them the right to change employers, increases the risk of trafficking to an already vulnerable population and recommended all overseas domestic workers be granted the right to change employers and apply for annual extensions to their visas, provided they continue to perform domestic work in a private home. The report also recommended mandatory informational briefings for all foreign domestic workers who remain in the country for more than six weeks to inform them of their rights and encourage trafficking victims to self-identify. The report determined the limited changes included in the Modern Slavery Act were insufficient protection for potential victims. The government has not yet published a formal response to the report.

## PREVENTION

The government increased prevention efforts. Building on the government’s first modern slavery strategy, released in November 2014, the new independent anti-slavery commissioner released a strategic plan in October 2015, pursuant to the requirements of the Modern Slavery Act. The strategic plan outlines the commissioner’s priorities for 2015-2017, including increased victim identification and referral; increased prosecutions and convictions of traffickers; private sector engagement; and

international collaboration. A national Modern Slavery Threat Group was established, comprising law enforcement agencies and others, to try and improve operational responses. The act also introduced Slavery and Trafficking Risk Orders and Slavery and Trafficking Prevention Orders, new preventative measures that place restrictions on individuals who pose a high risk of committing a human trafficking offense, such as a court banning someone from working with children, employing staff, or traveling to specific countries. Similar orders are being made available in Scotland and Ireland through their anti-trafficking laws. In December, the government announced plans for a national helpline, in partnership with an NGO and sponsored by the private sector. The official launch is planned for sometime in 2016. A new immigration bill, in the final stages of passage by Parliament, would significantly expand the scope of the Gangmasters Licensing Authority to enforce labor standards in high-risk sectors by allowing the agency to investigate regulatory and criminal offenses in employment. Northern Ireland published its first human trafficking and exploitation strategy in September 2015, which builds upon action plans released by the government over the past two years. The strategy is a comprehensive plan to raise awareness and reduce the prevalence of human trafficking. The Northern Ireland government has promoted education and training on human trafficking through the development of an educational resource package for teachers; training for agency staff and civil society groups; and public awareness campaigns. NGOs in Northern Ireland noted that general societal awareness of human trafficking is low in the region.

The Modern Slavery Act introduced broad new requirements for UK businesses on supply chain transparency. As of October 2015, all businesses operating in the UK with annual revenue exceeding 36 million pounds (\$53 million) must publish an annual slavery and human trafficking statement that details what efforts, if any, the company has made during the previous fiscal year to ensure its operations and supply chain are free of human trafficking. The act does not require companies to take any specific action toward eliminating slavery, but instead seeks to create a “race to the top” through transparent reporting and inter-industry collaboration. More than 12,000 companies are estimated to be required to comply. Construction companies expressed support for the principles behind the act, but have cited practical issues in supply chain oversight and challenges in cross-industry collaboration as potential barriers. Companies with fiscal years ending on March 31, 2016, were the first companies required to publish a statement. Media and NGOs report compliance so far has been incomplete, in part due to misunderstandings among businesses about what the law requires. Critics noted the lack of monetary or criminal penalties for companies that did not comply with the reporting requirement.

Existing law allows authorities to prosecute citizens for sexual offenses committed against children overseas, but the government did not report prosecuting or convicting any nationals engaged in child sex tourism abroad. All registered sex offenders are required to notify the government of any foreign travel, enabling the police to share information on offenders with other jurisdictions or apply for a sexual harm prevention order, which prevents foreign travel. The government did not report anti-trafficking training provided to its diplomatic personnel or members of the military prior to deployment abroad as part of international peacekeeping missions in 2015.

## OVERSEAS TERRITORIES OF THE UNITED KINGDOM

### BERMUDA

Bermuda is a limited destination territory for women and men subjected to forced labor. Some foreign migrant workers from Asia and Latin America are vulnerable to domestic servitude and abuse or to forced labor in the construction and agricultural industries in Bermuda. The territory government did not report on any potential trafficking cases. Some employers reportedly confiscate passports, withhold wages, deny benefits, and threaten migrant workers with repaying the cost of airline tickets. Migrant workers in Bermuda operate under a strict system of government work permits obtained by employers on behalf of foreign workers. The Transnational Organized Crime Act 2013 criminalizes all forms of sex and labor trafficking and prescribes penalties of up to 20 years’ imprisonment. The government did not report investigations, prosecutions, or convictions of trafficking offenses in 2015. Government resources were inadequate to conduct inspections to identify possible exploitation of foreign workers. No government officials were prosecuted or convicted for involvement in trafficking or trafficking-related criminal activities in 2015.

### TURKS AND CAICOS

Turks and Caicos Islands are a destination country for men, women, and children subjected to sex trafficking and forced labor. According to local experts, the large population of migrants from Haiti, the Dominican Republic, and Jamaica are vulnerable to sex trafficking and forced labor, with stateless children and adolescents especially at risk. Local stakeholders, including law enforcement officials, have reported specific knowledge of sex trafficking occurring in bars and brothels and noted trafficking-related complicity by some local government officials was a problem. The government did not report any updates on anti-trafficking legislation, introduced in 2012, which was pending in the previous reporting period. The government did not report protection or prevention efforts undertaken during the reporting period. The absence of specific legislation prohibiting trafficking as defined by the 2000 UN TIP Protocol; the absence of victim identification, screening, and protection procedures; and limited awareness of human trafficking on the part of officials and the public continued to hinder anti-trafficking efforts.

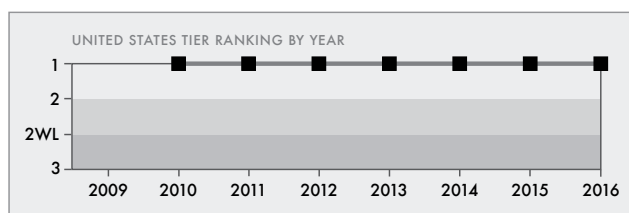
## UNITED STATES OF AMERICA: Tier 1

The United States is a source, transit, and destination country for men, women, transgender individuals, and children—both U.S. citizens and foreign nationals—subjected to sex trafficking and forced labor. Trafficking occurs in both legal and illicit industries, including in commercial sex, hospitality, sales crews, agriculture, fishing, manufacturing, janitorial services, construction, restaurants, health and elder care, salon services, fairs and carnivals, peddling and begging, and domestic service. Individuals who entered the United States with and without legal status have been identified as trafficking victims. Government officials, companies, and NGOs have expressed concern about the risk of human trafficking in global supply chains, including in federal contracts. Victims originate from



almost every region of the world; the top three countries of origin of federally identified victims in fiscal year (FY) 2015 were the United States, Mexico, and the Philippines. Particularly vulnerable populations in the United States include: children in the child welfare and juvenile justice systems; runaway and homeless youth; American Indians and Alaska Natives; migrant laborers, including participants in visa programs for temporary workers; foreign national domestic workers in diplomatic households; persons with limited English proficiency; persons with disabilities; and LGBTI individuals. NGOs noted an increase in cases of traffickers targeting victims with disabilities and by using drugs or withholding medication to coerce victims into prostitution. Some U.S. citizens engage in child sex tourism in foreign countries.

The U.S. government fully meets the minimum standards for the elimination of trafficking. The federal government continued to investigate and prosecute both sex and labor trafficking, but prosecuted more sex trafficking cases than labor trafficking cases. For the third year in a row, it provided specialized and comprehensive services to a greater number of trafficking victims and increased funding levels for these services. It continued to provide various types of immigration relief for foreign national victims, including a pathway to citizenship. Federal authorities increased the use of Continued Presence, which allows victims to remain in the United States temporarily during the investigation of their traffickers, and granted Certification Letters to more victims. The government enhanced its outreach to and engagement with survivors to improve training, programs, and policies on human trafficking. The government took steps to better protect domestic workers employed by foreign diplomats in the United States and U.S. diplomats abroad. Prevention efforts included outreach to increase awareness about trafficking and continued funding for an NGO-operated national hotline and referral service. Challenges remain: NGOs urged more consistent, victim-centered implementation of anti-trafficking laws and policies, including increased efforts to ensure more trafficking victims have timely access to services and immigration relief. Furthermore, NGOs reported instances of trafficking victims being detained or prosecuted for criminal activity related to their trafficking, notwithstanding “safe harbor” laws in some states or the federal policy that victims should not be penalized for unlawful acts committed as a direct result of being subjected to trafficking.



## RECOMMENDATIONS FOR THE UNITED STATES:

Increase prosecution of cases involving nonviolent forms of coercion and labor trafficking cases, including cases in the U.S. insular areas; support comprehensive services, including increased access to appropriate housing for all trafficking victims, including male and LGBTI victims; increase formal partnerships with victim service providers to improve the continuum of care; increase use of trauma-informed screening to improve identification of trafficked persons among vulnerable populations; continue to improve coordination of services across federal agencies; increase efforts to identify child victims of

labor trafficking; integrate anti-trafficking efforts within multiple systems of care, including health, runaway and homeless youth, and domestic violence programs; ensure that criminal restitution is sought for trafficking victims; ensure necessary safeguards for unaccompanied children to prevent their exploitation and trafficking while in care; strengthen prevention efforts, including by addressing the demand for commercial sex and labor trafficking; enforce federal acquisition regulations aimed at preventing trafficking in federal contracts and increase transparency related to any remedial action against federal contractors; strengthen coordination among criminal justice and social service systems, especially as it concerns LGBTI individuals; increase training for tribal, state, and local agencies on victim identification, access to services, and eligibility for benefits, including immigration benefits; ensure federal law enforcement officials apply in a timely manner for, and state and local law enforcement officials are trained on requesting, Continued Presence for eligible victims; and consider federal legislation to allow victims to vacate federal convictions that are a direct result of being subjected to trafficking, and encourage state and local jurisdictions to do the same.

## PROSECUTION

The U.S. government continued to demonstrate progress in federal anti-trafficking law enforcement efforts. The Trafficking Victims Protection Act of 2000 (TVPA), as amended, prohibits all forms of human trafficking. U.S. law also prohibits conspiracy and attempts to violate these provisions, as well as obstructing their enforcement and benefitting financially from these acts. Sex trafficking prosecutions involving children do not require proof of the use of force, fraud, or coercion. Additionally, a criminal statute on fraud in foreign labor contracting prohibits the use of fraud to recruit workers for work performed in the United States or elsewhere on a U.S. government contract, U.S. property, or military installation. Penalties prescribed under these statutes are sufficiently stringent and commensurate with penalties prescribed for other serious offenses: penalties can include up to life imprisonment. The U.S. Congress passed several bills during the reporting period that address trafficking. In May 2015, the Justice for Victims of Trafficking Act (JVTA) became law, allowing survivors formal input in federal anti-trafficking policy; providing incentives for states to enact laws to prevent the prosecution of child victims for crimes committed as a direct result of being subjected to trafficking; and amending the federal definition of child abuse and neglect to include trafficking. The JVTA provided additional bases of criminal liability for those who patronize or solicit trafficking victims for commercial sex, and created a new offense prohibiting the advertising of sex trafficking activity. It also clarifies that traffickers in child sex trafficking cases who had a reasonable opportunity to observe the victim can no longer claim ignorance about a victim's age as a defense.

In February 2016, President Obama signed into law the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which authorized the Department of Homeland Security (DHS) and the Department of Justice (DOJ) to inform foreign governments when registered sex offenders are visiting their countries, and to receive information when they come to the United States from abroad. The Trade Facilitation and Trade Enforcement Act of 2015, also enacted in February 2016, eliminated an exception that had allowed imports into the United States of goods produced with forced labor in circumstances when U.S. consumer demand was not met by U.S. domestic production.

DOJ, DHS, and the Department of State (DOS) are the primary investigating agencies for federal trafficking offenses, with federal human trafficking cases prosecuted by DOJ. In December 2015, DOJ, DHS, and the Department of Labor (DOL) named six new Anti-Trafficking Coordination Team (ACTeam) cities, a second-phase expansion of an initiative that helped the first-phase pilot cities significantly increase prosecutions and convictions of traffickers as compared to non-ACTeam districts. The second phase of the ACTeams also expanded victim witness support. DOJ funded 16 Enhanced Collaborative Model (ECM) anti-trafficking taskforces, comprising federal, state, and local law enforcement; victim service providers; and other partners. NGOs praised the ECM taskforce model for its formal inclusion of victim service providers and recommended all federally-funded taskforces do the same.

The federal government reports its law enforcement data by fiscal year (FY)(October 1 through September 30). In FY 2015, DHS reported opening 1,034 investigations possibly involving human trafficking, an increase from 987 in FY 2014. DOJ formally opened 802 human trafficking investigations, a decrease from 835 in FY 2014, and DOJ's ECM taskforces separately initiated 1,011 investigations. DOS reported opening 175 human trafficking-related cases worldwide during FY 2015, an increase from 154 in FY 2014. The Department of Defense (DoD) reported investigating at least 10 human trafficking-related cases involving U.S. military personnel, compared to 14 in FY 2014.

DOJ initiated a total of 257 federal human trafficking prosecutions in FY 2015, charging 377 defendants. Of these prosecutions, 248 involved predominantly sex trafficking and nine involved predominantly labor trafficking, although some involved both. These figures represent an increase from FY 2014, during which DOJ brought 208 prosecutions charging 335 defendants.

During FY 2015, DOJ secured convictions against 297 traffickers, compared with 184 convictions obtained in FY 2014. Of these, 291 involved predominantly sex trafficking and six involved predominantly labor trafficking, although several involved both.

These prosecutions and convictions include cases brought under trafficking-specific criminal statutes and related non-trafficking criminal statutes, but do not include child sex trafficking cases brought under non-trafficking statutes. Penalties imposed on convicted traffickers ranged from five years to life imprisonment. NGOs continued to call on federal prosecutors to vigorously seek mandatory restitution for victims of trafficking.

During the reporting period, one NGO reported an increase in labor trafficking cases in some jurisdictions and increased federal coordination on labor trafficking cases. NGOs continued to report, however, that federal, tribal, state, and local authorities did not vigorously investigate labor trafficking cases and called for more systematic efforts to prioritize forced labor prosecutions. Further, advocates reported state and local law enforcement demonstrate uncertainty regarding their authority over forced labor cases and called for formal structures to increase the identification of such cases.

In addition to federal laws, state laws form the basis of most criminal actions, which makes adoption of state anti-trafficking laws key to institutionalizing concepts of compelled service for local police officers. Even though at least 34 states have "safe harbor" laws, NGOs reported most of these states did not provide victims immunity for prostitution offenses and reported trafficking victims faced criminalization for crimes

committed as a direct result of being subjected to trafficking. While some states already had *vacatur* or expungement laws, several others introduced or began considering these laws to reduce the harm to victims. Other states created specialized courts for cases involving minors; however, advocates were divided on the effectiveness of these courts.

NGOs continued to ask for more specific, easily accessible data on federal, state, and local trafficking prosecutions. NGOs reported that prosecutors use non-trafficking laws with more lenient penalties in many jurisdictions to secure convictions against traffickers. Although NGOs noted an increase in law enforcement efforts to investigate traffickers who manipulate drug addiction as a form of coercion, advocates called for increased prosecution of trafficking cases involving nonviolent forms of coercion. NGOs reported continued instances of misunderstandings among state and local officials about the definition of trafficking, citing cases where law enforcement erroneously rule out trafficking because victims have some freedom of movement.

The federal government demonstrated some progress in addressing official complicity, reporting the sentencing of a former juvenile probation officer to 18 years in prison for sex trafficking, and reporting that other officials are under investigation. An Army service member arrested during the previous reporting period on charges of sex trafficking involving a 17-year-old pled guilty, was sentenced to five years' probation, and was administratively discharged under other than honorable conditions due to serious misconduct. A former Navy service member arrested in the previous reporting period in Hawaii on charges of sex trafficking of a 16-year-old remained incarcerated in FY 2015, pending prosecution.

The federal government continued to collect state and local data on human trafficking investigations during the reporting period through the Uniform Crime Reporting Program; however, not all state and local jurisdictions participated. Data from 2014 collected from participating jurisdictions are publicly available. In 2014, jurisdictions reported a total of 120 human trafficking offenses resulting in arrest or solved for crime reporting purposes. There is no formal mechanism to track prosecutions at the state and local levels.

The U.S. government continued efforts to train officials and share information. Federal agencies incorporated survivor feedback in anti-trafficking law enforcement and taskforce training on topics including victim identification, survivor-centered best practices in investigations and prosecutions, and trauma-informed victim interview techniques.

Multiple federal agencies continued to engage in extensive capacity building for law enforcement, judges, military personnel, health care and social service providers, labor inspectors, pro bono attorneys, and others, and increased their outreach to officials in Indian Country. DHS continued its extensive law enforcement trainings by incorporating human trafficking awareness training into basic federal law enforcement training academies and producing a new web-based training course for law enforcement and judges. In FY 2015, DOS launched an outreach program for domestic field offices and passport centers in the United States to train personnel on human trafficking, including on investigations and prosecutions.

## PROTECTION

The U.S. government continued to increase its efforts to protect trafficking victims. It granted Continued Presence to more

trafficking victims for the first time in three years and increased funding for victim services. It also increased collaboration with NGOs, other victim service providers, and survivors for an enhanced multidisciplinary response to victim identification and service referrals. For a fourth consecutive year, it certified and provided services to a significantly higher number of trafficking victims. NGOs reported state and local authorities continued to detain or prosecute trafficking victims, including those younger than 18 years of age, for conduct committed as a direct result of being subjected to trafficking.

Federally-funded victim assistance includes case management and referrals for medical and dental care, mental health and substance abuse treatment, sustenance and shelter, translation and interpretation services, immigration and legal assistance, employment and training, transportation assistance, and other services such as criminal justice advocacy. The Department of Health and Human Services (HHS) issued Certification and Eligibility Letters for foreign victims to access services and benefits to the same extent as refugees, provided grant funding for comprehensive case management for foreign and domestic trafficking victims, and funded capacity-building grants for child welfare systems to respond to trafficking. DOJ provided comprehensive and specialized services for both domestic and foreign trafficking victims. Federal funding for victim assistance increased in FY 2015. Record-keeping systems used by DOJ and HHS did not allow for cross-referencing to determine which victims were served by both agencies.

A Certification Letter enables foreign adult victims to receive federal and state services to the same extent as refugees when Continued Presence is granted or when a victim has a bona fide or approved application for “T nonimmigrant status,” as described further below. An Eligibility or Interim Assistance Letter allows immediate access to federally-funded benefits and services to the same extent as refugees when credible information indicates a child is or may be a victim of trafficking. HHS issued 623 Certification Letters to foreign adults and 240 Eligibility Letters to foreign children in FY 2015, an increase from the two previous years, when HHS issued a respective 530 and 219 Letters in FY 2014, and 406 and 114 Letters in FY 2013. Seventy-six percent of all victims certified in FY 2015 were victims of labor trafficking, more than half of which were female; and more than 78 percent of child trafficking victims who received Eligibility Letters were labor trafficking victims, up from 66 percent in FY 2014. HHS awarded \$7.5 million in FY 2015 to three NGOs for the provision of case management services to foreign national victims through a nationwide network of NGO sub-recipients, a slight increase from \$7.4 million in FY 2014. Through these grants, HHS supported 149 agencies with the capacity to serve at 286 sites across the country that provided assistance to a total of 1,726 individuals and their family members, a significant increase from 1,137 in FY 2014 and 915 the prior year. NGOs continued to report that lack of training for employees of public benefits offices on the HHS certification process resulted in the erroneous denial of benefits for some victims and their families and in survivors waiting long periods of time to access benefits.

In FY 2015, HHS significantly increased funding to serve domestic victims of human trafficking and provided \$3.2 million for coordinated victim-centered services, an increase from \$1.44 million in FY 2014. It provided an additional \$2.25 million to address trafficking within child welfare systems for a second year.

DOJ continued to increase the number of trafficking victims

to whom it provided assistance. From July 1, 2014 to June 30, 2015, DOJ grantees providing victim services reported 3,889 open client cases, including 2,180 new clients, compared with 2,782 open client cases and 1,366 new clients from July 1, 2013 to June 30, 2014 and a respective 1,911 and 1,009 from July 1, 2012 to June 30, 2013. DOJ’s grantees reported that 51 percent of victims served during the reporting period were U.S. citizens or lawful permanent residents and 49 percent were foreign nationals. During FY 2015, DOJ funded 21 victim service providers offering comprehensive and specialized services across the United States, totaling approximately \$13.8 million, compared with \$10.9 million in FY 2014 and \$11.2 million in FY 2013.

The United States government has formal procedures to guide officials in victim identification and referral to service providers. During the year, HHS child protection specialists provided training and technical assistance to overcome barriers in identifying child trafficking victims. NGOs praised increased coordination among service providers and law enforcement due to changes in DOJ’s enhanced collaborative taskforces, but reported the need for improved coordination across federal agencies to ensure more consistent service provision and referral. NGOs continued to report some law enforcement officials did not recognize indicators of labor trafficking and called for additional support to assist law enforcement efforts to identify such trafficking. NGOs continued to report federal funding for victim services remained insufficient to address the myriad needs of individual victims and that requiring adult victims to report to law enforcement to be eligible for federally-funded services is unnecessary and potentially harmful. In March 2016, DOJ announced changes to this policy so that cooperation with law enforcement was no longer an eligibility requirement for accessing DOJ-funded victim services. An NGO reported that shelter, comprehensive services, and long-term housing options for all trafficking victims, especially male, LGBTI, and labor trafficking victims, continued to be insufficient.

In FY 2015, the federal government hired more social workers to screen and identify unaccompanied children who came to the attention of federal authorities. NGOs, however, reported concerns about screening procedures at the border, the welfare and safety of these children while in federal custody and post-release, and the need for expanded coordination among responsible federal agencies. When children are placed in the care and custody of HHS, they are screened for trafficking victimization in the United States or abroad. When appropriate, HHS makes a determination of eligibility for benefits and services, which may include long-term assistance. HHS assisted 124 child victims of trafficking through its Unaccompanied Refugee Minors Program in FY 2015, an increase from 113 served in FY 2014. This program requires states to provide such child victims with the same assistance, care, and services available to foster children. NGOs called for better monitoring and increased funding for the care of unaccompanied children, citing one trafficking case prosecuted by federal authorities and other anecdotal reports that after being placed in sponsors’ homes, children were subsequently forced to work or were subjected to sex trafficking.

DHS provides trafficking-specific immigration relief in two ways: short-term Continued Presence and longer-term “T nonimmigrant status” (commonly referred to as the T visa). Both statuses confer the right to work legally in the United States. T visa applicants must be victims of a severe form of trafficking in persons, be in the United States or at a port of



entry on account of trafficking, and show cooperation with reasonable requests from law enforcement unless they are younger than 18 years of age or are unable to cooperate due to trauma suffered. They must also demonstrate that they would suffer extreme hardship involving unusual and severe harm upon removal from the United States. T visa applicants may petition for certain family members, including certain extended family members who face a present danger of retaliation; T visa beneficiaries and their derivative family members are authorized to work and are eligible for certain federal public benefits and services. After three years, or upon the completion of the investigation or prosecution, those with T visas may be eligible to apply for lawful permanent resident status and eventually may be eligible for citizenship. During the reporting period, DHS created and disseminated a resource guide for law enforcement and judges with information on T and U visas.

In FY 2015, DHS increased its issuance of Continued Presence to 173 trafficking victims who were potential witnesses, from 130 in FY 2014. It granted an additional 223 extensions of Continued Presence. NGOs continued to call for additional efforts to ensure more consistent application of Continued Presence across the United States.

DHS granted T nonimmigrant status to 610 victims and 694 eligible family members of victims in FY 2015, compared to a respective 613 and 788 in FY 2014. These figures continued to represent an overall general decline when compared with previous years. NGOs reported that, in some cases, law enforcement failed to provide support for T visa applications, effectively delaying the application process and survivors' access to federal benefits and employment; they called for additional training and technical assistance for federal, tribal, state, and local law enforcement agencies related to the T visa application process.

Another form of immigration relief available to trafficking victims is "U nonimmigrant status" (commonly referred to as the U visa) for victims of certain qualifying crimes who are helpful in the investigation or prosecution of the qualifying criminal activity and meet other specific eligibility requirements. In FY 2015, there were 29 approved principal applicants where trafficking was the qualifying crime, an increase from 17 in FY 2014.

In FY 2015, a DOS program reunified 244 family members with identified victims of trafficking in the United States. This program provided two survivors with assistance returning to their home country.

Multiple agencies across the federal government continued to provide training to federal, state, local, and tribal law enforcement, as well as to NGO service providers and health and human service providers to encourage more consistent application of a victim-centered approach in all phases of victim identification, assistance, recovery, and participation in the criminal justice process. NGOs expressed concern, however, that despite federal funding programs mandating comprehensive services for all victims of trafficking, services were not provided equally; advocates noted labor trafficking victims, adult sex trafficking victims, boys, and LGBTI youth faced difficulties obtaining needed services. A survivor network also reported some victims felt pressure to testify against their traffickers to obtain access to services. HHS continued to train service providers for runaway and homeless youth and developed a support mechanism for states and service providers on addressing child trafficking, particularly as it intersects with

the child welfare system and runaway and homeless youth programs. NGOs urged the federal government to encourage state welfare agencies to develop policies and procedures for children at risk for all types of trafficking, not just youth at risk for sex trafficking.

NGOs continued to report that law enforcement at the state and local levels failed to treat sex-trafficked children as victims of trafficking, and instead arrested and incarcerated them for crimes committed as a direct result of being subjected to trafficking. Victim advocates who documented this phenomenon found that trafficking victims may be arrested frequently and called on states to reform their laws to ensure trafficking victims are not criminalized for offenses their traffickers force them to commit. NGOs continued to report that authorities sometimes placed children in restrictive or lockdown residential placements to protect them from their traffickers or to secure testimony, which often resulted in decreased trust in law enforcement and re-traumatization. Advocates report that despite the sometimes good intentions of law enforcement, the arrest and detention response created barriers to employment, housing, and other needs essential to avoid re-trafficking and facilitate victims' recovery.

## PREVENTION

The U.S. government made progress on efforts to prevent trafficking. The government provided opportunities for stakeholder input and transparency. Federal agencies conducted numerous awareness and training activities for their own personnel, including law enforcement and acquisition professionals, and field office staff. The President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) reported on agency accomplishments in combating human trafficking again this year, with the U.S. Office of the Trade Representative joining the PITF and the presidentially-appointed survivor advisory council members attending the PITF annual meeting. The government continued to implement the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, 2013-2017*, and publicly released its first status report during the year.

The government continued public outreach measures on the causes and consequences of human trafficking and continued efforts to increase victim identification among vulnerable populations and sectors. HHS continued to fund an NGO to operate the National Human Trafficking Resource Center (NHTRC), a hotline that received almost 34,000 calls in FY 2015 from across the United States and U.S. territories. U.S. embassies and consulates worldwide provided a "Know Your Rights" pamphlet that included the national hotline number and confirmed that applicants for temporary work and exchange visitor visas received, read, and understood the pamphlet. This effort subsequently generated 286 calls to the national hotline, a significant decline from the 791 calls generated by the pamphlet the previous calendar year. In a January 2016 report, a DHS internal audit found traffickers continued to use legal means, including work and fiance visas, to bring potential trafficking victims to the United States, and recommended relevant federal agencies improve the quality and quantity of data exchanged. The Department of Transportation and DHS worked with industry partners to implement human trafficking trainings for airline personnel and the motor coach industry. In 2015, DHS continued its nationwide human trafficking awareness Blue Campaign and developed new products for medical front-line responders at state, local, and tribal levels; DOJ conducted outreach events to promote resources and

services available to victims; HHS continued outreach to increase victim identification and awareness, including among tribal leaders and targeted training in the health care sector. The Department of Education continued outreach efforts to integrate trafficking information into school curricula and resources, and collaborated with HHS to launch a peer-to-peer social media competition to raise awareness among high school students. The U.S. Agency for International Development funded anti-trafficking activities in more than 20 countries and launched a new initiative to improve identification of the risk of human trafficking at the lower levels of global supply chains. In FY 2015, the Equal Employment Opportunity Commission (EEOC) conducted 232 human trafficking outreach events, reaching more than 11,600 individuals. DOL also launched an initiative with ILO to support efforts to combat forced labor under the 2014 ILO Protocol and Recommendation on forced labor. The Department of Agriculture and HHS launched an initiative to raise awareness alongside food and agricultural industry partners to target rural communities. DoD provided annual training for all DoD personnel, including troops prior to their deployment abroad as part of international peacekeeping missions. A DoD-wide taskforce met throughout the year to increase regional command coordination and engagement on trafficking. An NGO called on the federal government to use prevention and awareness campaigns to reach both community members and potential victims, effectively describe human trafficking, and include specific language on how to help someone in need.

Reports of abuses continued, including allegations of human trafficking, of workers in the United States on work-based or other nonimmigrant visas. One NGO report found that of 805 potential labor trafficking cases reported to the national hotline and textline from August 1, 2014 to July 31, 2015, 148 cases involved victims issued A-3, B-1, G-5, H-2A, H-2B, or J-1 visas. One NGO reported the United States had insufficient laws regulating foreign labor recruiters and fraud was rampant among this category of recruiters, and called for passage of a federal law to prohibit recruiters from charging fees to workers and provide more legal safeguards to protect workers from unscrupulous recruiters.

Both the H-2A and H-2B programs prohibit directly or indirectly charging foreign workers job placement, recruitment, or other fees related to employment, and both require disclosure of the terms of employment. In FY 2015, DOL and DHS issued two new H-2B rules that enhanced worker protections, including against fraudulent recruitment and other practices that could result in labor trafficking. Such provisions included requiring disclosure of foreign labor recruiters as well as those working for the recruiters operating domestically and overseas, and prohibiting retaliation against workers. NGOs, however, cited concern that provisions in the FY 2016 appropriations act increased some H-2B workers' vulnerability to trafficking by expanding the program and reducing wage guarantees, employer accountability for recruiting abuses, transparency, and oversight.

In the J-1 Summer Work Travel (SWT) Program, DOS has prohibited jobs deemed dangerous to exchange visitor health, safety, and welfare, and continued to implement a program to monitor participant health, safety, and welfare. In 2015, DOS visited 985 Summer Work Travel exchange visitor sites in 42 states and the District of Columbia. DOS also broadened outreach efforts with 20 community support structures in 19 states with significant SWT populations to educate participants on safety and housing among other things.

The government took additional steps to protect foreign domestic workers employed by foreign mission personnel during the reporting period. In June 2015, DOS briefed senior foreign embassy officials to reiterate U.S. domestic worker program requirements and foreign missions' responsibility for the welfare of these workers, and announced the launch of a new In-Person Registration Program effective October 2015. The registration program requires foreign domestic workers employed by personnel working at foreign missions and international organizations to appear (without their employer present) for an annual appointment at DOS for registration and to review the domestic worker's rights and responsibilities related to her or his employment contract. In January 2016, the government notified the United Nations Permanent Mission community that diplomatic privileges and immunities will not be conferred on individuals who are subject, at the time accreditation is sought, to pending criminal charges in the United States punishable by incarceration for more than one year. Despite these efforts, NGOs continued to raise concerns that some foreign mission personnel evade current protection measures for foreign domestic workers and again recommended the government take additional steps to protect domestic workers employed by foreign diplomats in the United States, including expanding the registration program outside of Washington D.C. and seeking input from NGOs.

The government enhanced protections for personal domestic workers employed by U.S. personnel abroad. In February 2016, the government issued new regulations holding U.S. personnel at embassies abroad to standards substantially similar to those that apply to foreign mission personnel posted in the United States with regard to the employment of domestic workers, including a new requirement that enhances protections for domestic workers brought into the host country by U.S. diplomats. The new regulations also prohibit U.S. diplomats from making deductions for food and lodging from worker wages and require them to provide non-cash wage payments directly to workers. In May 2015, an Australian court enforced a 2012 U.S. court default judgment for \$3.3 million in damages against a former American diplomat living in Australia, related to trafficking offenses committed against a domestic worker. After the judgment was enforced, the parties agreed to an out-of-court settlement. The government continued to provide anti-trafficking training for its diplomatic personnel; DOS provided both classroom and web-based training for Diplomatic Security personnel, consular officers, and other employees.

Civil enforcement of federal laws was a significant component of the government's anti-trafficking efforts. DOL investigated complaints and conducted targeted civil labor investigations involving workers in industries and sectors known to be vulnerable to labor trafficking. During the reporting period, EEOC, which enforces federal employment discrimination statutes, continued to pursue cases on behalf of workers subjected to trafficking and ensure compensation for victims of trafficking. In December 2015, EEOC settled a case on behalf of 476 workers from India for claims of race and national origin discrimination. Federal law also allows a person subjected to trafficking to independently file a civil cause of action.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. DOJ and DHS continued to investigate allegations of child sex tourism and partner with foreign law enforcement counterparts to share information regarding international travel of registered child sex offenders. Three defendants were convicted of federal

child sex tourism charges under the federal statute, 18 U.S.C. § 2423(c), in FY 2015. Offenders who abuse children abroad could be prosecuted under other statutes, and prosecutions based upon other statutes are not reflected in this statistic.

The U.S. government continued its efforts to reduce the demand for commercial sex and forced labor in the reporting period. DoD investigated at least 38 cases of service members allegedly violating DoD's prohibition relating to the procurement of commercial sex, compared to 39 investigations the previous year.

Federal agencies sought preliminary public comment on a proposed new rule to define recruitment fees in the context of Executive Order 13627 on "Strengthening Protections Against Trafficking in Persons in Federal Contracts," and its implementing regulations. These include a provision prohibiting contractors and those in their supply chains from charging employees recruitment fees. NGOs called for enforcement of these regulations and increased federal transparency on investigations, including into DoD contracts, as well as notice of any disciplinary action taken against federal contractors.

DOJ and other federal law enforcement agencies continued to investigate allegations of debt bondage and excessive recruitment fees required of third-country nationals working on certain U.S. government contracts abroad. There were no reports of civil actions or criminal prosecutions, debarment, or other sanctions against noncompliant employers or labor contractors from U.S. programs.

In FY 2015, the Department of the Interior (DOI) developed and launched the first Native American Human Trafficking TaskForce to conduct training and public awareness among tribal leaders and gaming institutions; this taskforce also initiated development of victim identification protocols. DHS worked with DOI to produce and deliver human trafficking training to tribal communities and develop a training program for tribal law enforcement. DOJ funded a human trafficking curriculum in Indian Country, which was presented to 20 tribes and 249 individuals during FY 2015, and visited three reservations in North Dakota to meet with law enforcement officers to improve understanding of human trafficking. HHS continued to host community listening sessions with tribal leaders and integrate human trafficking as part of its tribal consultation activities. HHS also collaborated with an NGO to launch a webinar to more than 1,000 participants on trauma-informed care for American Indian and Alaska Native victims as well as prevention and intervention strategies, and worked with tribal youth and other stakeholders to adapt a toolkit for use by college, high school, and middle school students. Challenges include a lack of a criminal justice infrastructure adequate to the needs of Indian country and a scarcity of social services for victims.

## U.S. INSULAR AREAS

All forms of trafficking are believed to occur in the U.S. insular areas, including Guam, the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands (USVI).

In Guam and in CNMI, members of DOJ-led human trafficking taskforces engaged in meetings with international and regional partners in Hawaii to share strategies for improving victim-centered approaches in human trafficking cases and conducted trainings and outreach with schools and with the travel and visitor industries. In collaboration with the two taskforces, DOJ also established an initiative to enhance coordination with stakeholders in the Pacific Region on victim services, law

enforcement responses, training, community outreach, and prevention programs.

In CNMI, defendants convicted of human trafficking and related crimes received lengthy sentences. For example, in February 2016, a male defendant was sentenced to the statutory maximum of 360 months in prison to be followed by three years of supervised release for sexual exploitation of a child. The defendant was also ordered to pay restitution to two minor victims.

Three defendants were convicted of human trafficking in Puerto Rico during the reporting period, and one case of sex trafficking was charged in both Puerto Rico and the USVI.

HHS provides services to foreign victims of trafficking in American Samoa, CNMI, Federated States of Micronesia, Guam, Marshall Islands, and the Republic of Palau. In 2015, the HHS-funded NHTRC hotline received 47 calls from U.S. territories, with most calls coming from Puerto Rico.

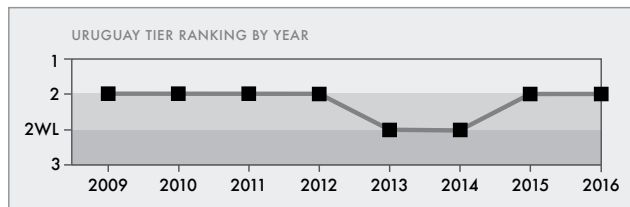
HHS provided grant-funded targeted training to federal, territorial, and local agencies in Puerto Rico and the USVI in 2015 to increase awareness of human trafficking cases, integrate standards and trauma-informed care, and apply multi-sector responses.

## URUGUAY: Tier 2

Uruguay is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Uruguayan women and girls—and to a more limited extent transgender adults and male adolescents—are subjected to sex trafficking within the country. Uruguayan women are forced into prostitution in Spain, Italy, Argentina, and Brazil; however, the number of identified Uruguayan victims exploited abroad has decreased in recent years. Women from the Dominican Republic, and to a lesser extent from South American countries, are subjected to sex trafficking in Uruguay. Foreign workers, particularly from Bolivia, Paraguay, Brazil, the Dominican Republic, and Argentina, are subjected to forced labor in construction, domestic service, wholesale stores, textile industries, agriculture, and lumber processing. In 2014, some foreign fishermen aboard foreign-flagged commercial boats docked in Uruguay reported indicators of forced labor, such as non-payment of wages and physical and verbal abuse. Uruguayan officials have identified citizens of other countries, including China and the Dominican Republic, transiting Uruguay en route to other destinations, particularly Argentina, as potential victims of sex and labor trafficking.

The Government of Uruguay does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Authorities prosecuted an increased number of suspected traffickers and identified and assisted an increased number of potential foreign sex and labor trafficking victims. Nonetheless, government funding for victim services, particularly for lodging, continued to be inadequate. The extent of efforts to assist internal trafficking victims and investigate internal trafficking cases was unclear, in part because Uruguayan law prohibits only transnational forms of trafficking.





## RECOMMENDATIONS FOR URUGUAY:

Enact legislation to prohibit all forms of trafficking consistent with the 2000 UN TIP Protocol, including by criminalizing the prostitution of children as child sex trafficking; intensify efforts to investigate and prosecute all forms of trafficking and hold traffickers accountable through convictions and sufficiently stringent sentences; develop and implement standard procedures for officials to identify and refer trafficking victims; increase funding for and availability of specialized services for trafficking victims, especially outside the capital and including for male victims; increase anti-trafficking training for law enforcement officials, labor inspectors, prosecutors, judges, and social workers, particularly to identify and assist victims of sex and labor trafficking; develop and operationalize a data collection system to maintain official statistics on anti-trafficking law enforcement and victim identification efforts; finalize and implement a national action plan; and make efforts to reduce the demand for forced labor.

## PROSECUTION

The government modestly increased its anti-trafficking law enforcement efforts; however, Uruguay does not prohibit all forms of trafficking. Article 78 of the immigration law, enacted in 2008, prohibits only transnational forms of trafficking, prescribing penalties of four to 16 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes. This article establishes the use of violence, intimidation, deceit, or abuse of the vulnerability of the victim as aggravating factors rather than essential elements of the crime. Articles 280 and 281 of the penal code prohibit forced labor occurring within Uruguay's borders, prescribing sentences ranging from two to 12 years' imprisonment. Authorities use sexual exploitation or pimping statutes to prosecute domestic sex trafficking cases; some of these statutes prescribe lesser sentences that can be commuted to community service or fines. Two judges in the specialized court on organized crime in Montevideo had jurisdiction over all trafficking cases carried out by organized criminal groups of three or more individuals. The court lacked sufficient staffing and funding, and local officials did not always refer to the court trafficking cases meeting these guidelines. All other trafficking cases were heard by local courts with less expertise in human trafficking. In 2015, the government began drafting a comprehensive anti-trafficking law.

The government did not collect comprehensive data on anti-trafficking law enforcement efforts and had no system for tracking court cases. In 2015, the attorney general's office began piloting a new national data management system to compile all criminal and civil case data; however, Uruguay's transition from an "inquisitorial" to an "accusatorial" justice system, planned for February 2017, must take place before the new system takes effect. In the interim, individual courts and police departments will remain the central repository for data collection. The government did not provide comprehensive data on investigations initiated during the reporting period;

it reported investigating one transnational labor trafficking case in 2015. The government also initiated investigations of six cases, leading to prosecution of 16 suspected sex traffickers in 2015, compared with two investigations leading to five prosecutions in 2014; the cases involved Uruguayan and foreign victims, including one child. The government did not report any trafficking convictions in 2015, compared with two labor trafficking convictions in 2014. On appeal in 2015, sentences in the 2014 cases were reduced to 24 months' and 10 months' imprisonment, below the mandatory minimum under article 78. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government trained law enforcement, immigration, and judicial officials on human trafficking, including in partnership with an international organization. The Ministry of Interior drafted two protocols for police officers: one on detecting and investigating human trafficking and smuggling during highway procedures, and the other on detecting and investigating commercial sexual exploitation of children and adolescents. The government published and distributed to police departments, investigative offices, and specialized gender-based violence units a resource guide, with indicators to identify victims, that defines and guides responses to human trafficking, smuggling, and commercial sexual exploitation of children and adolescents. The government reported continued international cooperation through INTERPOL on an unspecified number of trafficking cases in 2015.

## PROTECTION

Uruguayan authorities assisted an increased number of transnational trafficking victims in 2015, although specialized victim services remained inadequate. While labor inspectors screened for possible trafficking cases and Uruguayan officials had access to a regional guide on how to identify female victims of international sex trafficking, some officials lacked guidelines for identifying trafficking victims among vulnerable populations. The Ministry of Social Development (MIDES) reported assisting 222 (212 female and 10 male) victims of trafficking in 2015, including 14 potential labor trafficking victims, compared with 113 potential victims in 2014. Of the total, 189 victims were from the Dominican Republic and 19 were Uruguayan. The government reported identifying one child trafficking victim in 2015. The National Institute for Children and Adolescent Affairs (INAU) did not report how many children it identified in commercial sexual exploitation during the year.

The government provided 3,638,280 Uruguayan pesos (\$121,722) in 2015, an increase from 2,730,000 Uruguayan pesos (\$91,334) in 2014, for MIDES to assist adult female sex trafficking victims and women in prostitution with psychological, medical, and other services. MIDES provided some of this funding to an NGO providing specialized services. There were no specialized shelters for trafficking victims in the country, and NGOs and the government reported a need for more adequate lodging options for sex trafficking victims, as accommodation at other shelters accessible to victims was often not available. INAU did not report how many child trafficking victims it assisted at shelters for at-risk youth. Victim care services were weaker outside the capital. There were no specialized services for male trafficking victims. NGOs reported a need for long-term services such as reintegration, housing, and mental health care. MIDES provided an unspecified number of trafficking victims with employment assistance services. There were no reports trafficking victims were jailed, deported, or otherwise penalized for acts committed as a direct result of being subjected to human trafficking. While the government

did not offer trafficking-specific legal alternatives to victims' removal to countries where they faced retribution or hardship, general asylum and residential work permits were available to foreign trafficking victims in 2015.

## PREVENTION

The government increased prevention efforts during the year. MIDES chaired an interagency committee that coordinated government anti-trafficking efforts. The committee met multiple times during the year and was developing a draft national plan for 2016-2020, in concert with the anti-trafficking law under development. Authorities conducted two awareness campaigns, largely focused on sex trafficking, on the borders with Brazil and Argentina. The government took actions to prevent child sex tourism and reduce the demand for commercial sex by implementing an awareness campaign aimed at companies in the hotel and travel agency industries to encourage proprietors to report suspicious or illegal behavior. The government did not make efforts to reduce the demand for forced labor. Authorities provided anti-trafficking training to Uruguayan troops prior to their deployment on international peacekeeping missions during the year. The government provided anti-trafficking training for its diplomatic personnel.

## UZBEKISTAN: Tier 3

Uzbekistan is a source and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Uzbek women and children are subjected to sex trafficking in the Middle East, Eurasia, and Asia, and also internally in brothels, clubs, and private residences. Uzbek men, and to a lesser extent women, are subjected to forced labor in Kazakhstan, Russia, and Ukraine in the construction, oil, agricultural, retail, and food sectors. Internal trafficking is prevalent in the country. Government-compelled forced labor of adults remains endemic during the annual cotton harvest. Some adults who refuse to pick cotton, do not pay for a replacement worker, or do not fulfill their daily quota might have been threatened with, or faced the loss of, social benefits, termination of employment, or harassment. Private companies in some regions mobilized employees for the harvest under threat of increased government inspections of and taxes on their operations. An independent observer alleged several workers were injured and at least one died, due at least in part to harvest-related activities in 2015. There were isolated reports of some local officials mobilizing classes of students aged 14 to 16 years in the final weeks of the harvest in contravention of the central government's prohibition on child labor. Mobilizations of university and third-year college and lyceum (equivalent to a U.S. high school) students, who tend to be 18 years old but include some 17 year olds, continued to be endemic. There are reports some officials required state employees and adult students to sign labor agreements or statements that they would pick cotton voluntarily. Independent observers asserted that forced mobilization of adult workers increased in 2015 to compensate for the loss of underage workers. Local officials used forced adult labor, including employees of schools and medical facilities, for weeding cotton fields. There were also isolated reports stating local officials forced teachers, students (including children), private business employees, and others to work in construction, non-cotton agriculture, and the silk industry, as well as to clean parks, streets, and buildings. Authorities harassed, detained, and, in some cases, abused independent activists attempting to observe

the spring weeding season and the fall harvest, and at least two activists faced criminal charges, potentially as retaliation for attempting to document labor violations in the cotton fields.

The Government of Uzbekistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Government-compelled forced labor of adults remained endemic in the 2015 cotton harvest. The central government continued to demand farmers and local officials fulfill state-assigned cotton production quotas and set insufficiently low prices for cotton and labor to attract voluntary workers, which led to the wide-scale mobilizations of adult laborers and a smaller number of child laborers. The government also increased its attempts to conceal possible labor violations in cotton fields by aggressively confronting, harassing, and detaining independent monitors attempting to observe and document the harvest. However, the government took a number of steps this year regarding the cotton harvest. The government continued to collaborate with ILO and fulfilled its agreement with the World Bank and ILO to allow ILO officials to conduct a labor recruitment survey under the Decent Work Country Program and, separately, monitor the 2015 harvest for risks of child and forced labor in 11 of Uzbekistan's 14 regions, comprising 60 percent of Uzbekistan's cotton producing territory. For the fifth consecutive year, Uzbekistan reduced its use of child labor, largely, effectively enforcing its decree prohibiting the participation of children younger than age 18 in the harvest. The 2015 cotton harvest marked the second year the government conducted a nationwide campaign to raise awareness of the prohibition of child labor in the cotton harvest, and the first time the government included anti-forced labor messaging in the campaign. Further, the government enacted a national action plan aimed at ending forced labor that it developed in consultation with the World Bank and ILO. It has already identified sources of funding for the various steps in this plan. Separately, the government committed to keep college and lyceum students (equivalent to a U.S. high school) out of the 2016 cotton harvest, including those aged 18. On transnational trafficking, authorities continued to prosecute suspected traffickers and continued to fund a rehabilitation center for trafficking victims. The government also provided trafficking-specific training to police, judges, and other authorities. Uzbek authorities collaborated with foreign governments on several transnational investigations in 2015.



## RECOMMENDATIONS FOR UZBEKISTAN:

Take substantive action to end the use of forced adult labor during the annual cotton harvest; continue substantive actions to eliminate forced child labor from the annual cotton harvest; grant independent observers full access to monitor cotton cultivation and cease harassment, detention, and abuse of activists for documenting labor conditions; begin implementing the national action plan for improving labor conditions in the agricultural sector to reduce pressure for farmers and officials to compulsorily mobilize labor for the cotton harvest; implement commitments to not mobilize teachers, medical workers, and college and lyceum students; increase investigations and, when sufficient evidence exists, prosecute officials complicit in human trafficking, respecting due process; provide adequate

mechanisms to enable students and state employees to refuse to participate in the cotton harvest without the threat of coercion; enhance and continue promoting awareness of labor rights, including in regard to the cotton harvest; improve processes for registering and investigating violations of labor rights; provide additional support to anti-trafficking NGOs assisting and sheltering victims who were not admitted to the state-run shelter; take additional steps to ensure victims are not penalized for acts committed as a result of being subjected to trafficking, including for illegal border crossing; continue to improve procedures for identifying trafficking victims to ensure they are systematic and proactive, and efficiently refer victims to protection services; and continue efforts to investigate and prosecute suspected trafficking offenders, respecting due process.

## PROSECUTION

The government maintained strong law enforcement efforts against sex and transnational labor trafficking. Article 135 of the criminal code prohibits both sex trafficking and forced labor, prescribing penalties of three to 12 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. Uzbekistan provided law enforcement data regarding investigations, prosecutions, convictions, and sentences of trafficking and crimes related to trafficking. Authorities reported conducting 696 investigations and prosecuting 372 cases for crimes related to trafficking in 2015. Authorities reported convicting 460 people for crimes related to trafficking in 2015, a decrease from 583 in 2014. The government reported 442 convictions carried a prison sentence, and 15 carried a sentence of correctional labor; it was unknown how many of these sentences were suspended. The Ministry of Interior (MOI) maintained an investigatory unit dedicated to trafficking crimes. The government provided trafficking-specific training to police, judges, and other authorities. Uzbek authorities collaborated with foreign governments on several transnational investigations in 2015. Despite evidence of official complicity in the cotton harvest and other sectors with forced labor, the government did not report any criminal investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses this year, but did fine seven officials for forced labor violations, which were administrative.

## PROTECTION

The government made efforts to identify, assist, and protect victims of sex and transnational labor trafficking, but demonstrated limited efforts to assist victims of forced labor in the cotton harvest. The government identified 924 victims of trafficking-related crimes in 2015, a decrease from 1,208 in 2014. Of these 924 victims, 140 were exploited within the country, while the remaining victims were Uzbek citizens exploited in other countries. NGOs and an international organization identified and assisted 774 trafficking victims in 2015, compared with 847 in 2014. Uzbekistan's diplomatic missions abroad helped repatriate 146 victims by issuing travel documents. The government lacked a systematic process for proactive identification of victims from vulnerable populations, including those subjected to internal trafficking, and to refer those victims to protective services. Police, consular officials, and border guards who were able to identify potential trafficking victims could refer them to a state-run shelter or NGOs for services. To be eligible to receive government-provided rehabilitation and protection services, victims must file a criminal complaint with the authorities in their community of origin, after which the MOI can decide to initiate an

investigation and grant official "victim" status to the individual. NGOs reported good cooperation in referring cases to the MOI that led to investigations and victim certification.

The government allocated approximately 459 million soum (\$160,700) to operate its Tashkent-based trafficking rehabilitation center for men, women, and children with official victim status, which assisted 503 victims in 2015, an increase from 369 in 2014. This center provided shelter, medical, psychological, legal, and job placement assistance. Victims could discharge themselves from the shelter, though, at times, authorities required victims to stay to assist a criminal case. The center could accommodate foreign victims, but has not done so since the shelter opened. The center has not accommodated a victim of sex trafficking since 2011. Officials reported some faraway regions did not refer victims to the shelter due to transportation costs, which were the responsibility of local neighborhood councils. In addition to the shelter, authorities provided security to victims cooperating with law enforcement, including escort to and from trials. The government provided funding to local NGOs to conduct vocational trainings and provide health services for victims, in addition to tax benefits and the use of government-owned land. These NGO services were critical because officials referred sex trafficking victims to them, as well as victims who did not wish to pursue a criminal case and were thereby ineligible to access the state-run shelter. Transnational sex and labor trafficking victims could face a criminal penalty for illegally crossing the border, but NGOs reported authorities dropped these charges when NGOs proved victimhood to the authorities. Victims were not permitted to provide testimony via video or written statements, nor were their identities kept confidential during proceedings. Victims lacked an effective mechanism to receive restitution from their traffickers; victims could bring civil suits against traffickers, but most could not afford legal representation.

## PREVENTION

The government did not take sufficient steps to modify the agricultural policies that create pressure for the use of mobilized labor, including production quotas and low wages for pickers. In December 2015, the government committed to reduce the total acreage for cotton production by about 13 percent by 2020, and in January 2016 the government introduced a national action plan that included agricultural reforms towards eliminating forced labor. The 2015 harvest also marked the second consecutive year the government conducted a nationwide campaign to raise public awareness of its prohibition of child labor in the cotton harvest, and, for the first time, the government included anti-forced labor messaging in the campaign. Labor inspectors fined seven officials for using child labor to pick cotton; the government did not specifically report filing criminal charges against officials to deter such conduct. Further, the central government continued to demand farmers and local officials fulfill state-assigned cotton production quotas, which likely led to the wide-scale mobilized adult labor and isolated incidents of child labor.

In 2015, the government pledged not to mobilize teachers and medical workers for the cotton harvest; however, this was not fulfilled. The government stated its intention to increase the availability of mechanized harvesters, but such plans continued to be stymied by financial hurdles and farmers' preference for manual labor. In March 2016, the government pledged not to mobilize third-year college and lyceum students who are generally 18 years of age, but can be 17. With government approval, in 2015, ILO conducted a qualitative survey on



recruitment practices in agriculture, which detailed the risks of forced labor, particularly in the quota system and large-scale recruitment for the cotton harvest. In addition, the government fulfilled its agreement with the World Bank and ILO to allow ILO to monitor the 2015-2017 cotton harvests for child and forced labor in regions in which World Bank-funded projects were underway—this area comprised approximately 60 percent of Uzbekistan’s cotton-producing territory. In collaboration with the World Bank and ILO, the government established two feedback mechanisms for citizens to report labor violations. The government reported it provided redress in seven cases of unpaid wages affecting 250 people. Independent observers reported the associated call centers were not always accessible and national security services threatened several individuals who provided information to the hotlines with intimidation and pay-cuts if they reported additional violations. In January 2016, the government approved an action plan on labor conditions in the agricultural sector for 2016-2018, which aimed to strengthen labor inspections and the feedback mechanisms for citizens reporting labor violations, develop a methodology for identifying the minimum quantity of workers and wages needed for farms, and prepare a feasibility study for liberalizing cotton production, among other items.

The government continued to implement its 2015-2016 national action plan to combat transnational trafficking through its national network of anti-trafficking coordination commissions. The national government conducted monitoring visits and provided training to local-level commissions. Authorities promoted wide-scale public awareness efforts on transnational sex and labor trafficking, including through events, print media, television, and radio, often through partnering with and providing in-kind support to NGOs. The government did not conduct efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel.

## VENEZUELA: Tier 3

Venezuela is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Venezuelan women and girls are subjected to sex trafficking and child sex tourism within the country, including some lured from poor interior regions to urban and tourist centers. NGOs continue to report Venezuelan women are subjected to forced prostitution in Caribbean island countries, particularly Aruba, Curaçao, and Trinidad and Tobago. Venezuelan children are exploited within the country, frequently by their families, in domestic servitude. Venezuelan officials and international organizations have reported identifying sex and labor trafficking victims from South American, Caribbean, Asian, and African countries in Venezuela. Ecuadorians, Filipinos, and other foreign nationals are subjected to domestic servitude by other foreign nationals living in Venezuela. Venezuelan officials reported an increase of sex trafficking in the informal mining sector. Media reports indicate some of the estimated 30,000 Cuban citizens, particularly doctors, working on behalf of their government in Venezuela on social programs may experience treatment indicative of forced labor. Some of these Cubans attribute such treatment to their own government, including labor trafficking indicators such as chronic underpayment of wages, mandatory long hours, and threats of retaliatory actions against the citizens and their families if they leave the program.

The Government of Venezuela does not fully meet the minimum

standards for the elimination of trafficking and is not making significant efforts to do so. The government released minimal information on its efforts. Authorities investigated at least one sex trafficking case and indicted at least one trafficker, but reported no prosecutions or convictions. The lack of reliable data on government anti-trafficking efforts made these efforts difficult to assess. The government did not report identifying or assisting trafficking victims. The extent of efforts to investigate internal forced labor, protect child sex trafficking victims, or improve interagency coordination to address trafficking was unclear.



### RECOMMENDATIONS FOR VENEZUELA:

Draft and enact comprehensive anti-trafficking legislation prohibiting all forms of trafficking; provide specialized services for all trafficking victims, working in partnership with civil society organizations and other service providers; strengthen and document efforts to investigate and prosecute cases of sex trafficking and forced labor, and convict and punish traffickers; develop and publish an updated anti-trafficking action plan and allocate resources to implement it; enhance interagency cooperation by forming a permanent anti-trafficking working group; implement formal procedures and training for identifying trafficking victims among vulnerable populations, such as persons in prostitution, and for referring victims for care; and improve data collection on government anti-trafficking efforts and make this data publicly available.

### PROSECUTION

The government decreased efforts to hold traffickers criminally accountable, although the lack of comprehensive public data on investigations, prosecutions, and convictions made overall law enforcement efforts against human trafficking difficult to assess. Venezuelan law prohibits some forms of human trafficking, specifically trafficking of women and girls, through a 2007 law on women’s rights that prescribes punishments of 15 to 30 years’ imprisonment. Contrary to the international definition, the law requires force, fraud, or coercion in its definition of sex trafficking of girls. It also prohibits human trafficking by organized criminal groups through its law on organized crime, which prescribes 20 to 30 years’ imprisonment for human trafficking carried out by a member of an organized criminal group of three or more individuals. However, the organized crime law fails to prohibit trafficking by any individual not affiliated with an organized criminal group and fails to prohibit trafficking men. The penalties for these trafficking crimes are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the year, the legislature did not pass a draft anti-trafficking law, first introduced in 2010.

Venezuelan authorities did not report the total number of trafficking cases investigated or individuals prosecuted or convicted for human trafficking in 2015. According to government websites and media reports, officials pursued at least two sex trafficking investigations under trafficking laws during the year. According to press reports, the government indicted at least one sex trafficker; there were no reported prosecutions

or convictions. In comparison, the government reported three trafficking convictions in 2014 with sentences ranging from eight to 18 years' imprisonment. The government reported the Ministry of Interior, Justice, and Peace's organized crime office (ONDOFT) trained 1,800 security personnel in 12 states during 2015 to identify and assist trafficking victims. Authorities did not report cooperating with foreign governments on trafficking investigations during the year. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

## PROTECTION

Authorities provided limited information about trafficking victim identification and assistance in 2015, but decreased victim protection efforts. ONDOFT operated a 24-hour hotline to receive reports of suspected trafficking cases. As in previous years, the government did not specify the kinds of assistance provided to victims in 2015. The government did not report on the existence of formal procedures for identifying trafficking victims among vulnerable populations or referring victims to services. Victim referrals to different government entities, including ONDOFT and the women's ministry, occurred on an *ad hoc* basis.

The availability of victim services remained limited. There were no specialized shelters for trafficking victims in the country. Victims could reportedly access government centers for victims of domestic violence or at-risk youth, although services for male victims were minimal. NGOs provided some specialized services to victims of sex trafficking and forced child labor. The government reportedly made psychological and medical examinations available to trafficking victims, but additional victim services—such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance—remained lacking. There was no publicly available information on whether the government provided assistance to repatriated Venezuelan trafficking victims during the reporting period or encouraged victims to assist in the investigation and prosecution of traffickers. There were no publicly available reports of victims being jailed or penalized for unlawful acts committed as a direct result of being subjected to trafficking, and NGOs and international organizations reported this did not generally occur. An international organization continued to work with the government to file requests for asylum and relief from deportation for victims from Colombia who feared reprisals from traffickers or criminal organizations if they returned to Colombia, though it is unclear if any victims did so in 2015.

## PREVENTION

The government made minimal efforts to prevent human trafficking in 2015. No permanent anti-trafficking interagency body existed, and the government did not have a current anti-trafficking plan or strategy. Authorities continued some awareness efforts aimed at sexual violence broadly, including a public service announcement about sexual exploitation and the distribution of anti-trafficking posters and pamphlets, most of which focused on sex trafficking of women and girls. There were no publicly available reports of new investigations, prosecutions, or convictions for child sex tourism offenses in 2015. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not report any specific activities to reduce the demand for commercial sex acts during the year.

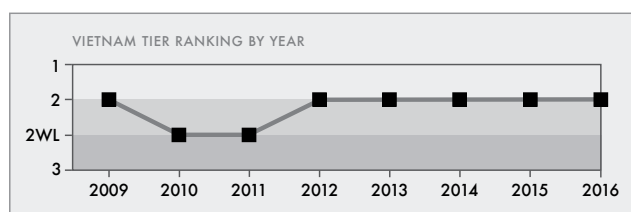
## VIETNAM: Tier 2

Vietnam is a source country and, to a lesser extent, a destination, for men, women, and children subjected to sex trafficking and forced labor. Vietnamese men and women migrate abroad for work independently or through state-owned, private, or joint-stock labor recruitment companies. Some recruitment companies are unresponsive to workers' requests for assistance in situations of exploitation, and some charge workers excessive fees, leaving workers with exorbitant debts and vulnerable to debt bondage. Some victims are subjected to forced labor in the construction, fishing, agricultural, mining, logging, and manufacturing sectors, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Angola, United Arab Emirates, and Japan. Workers may find themselves compelled to work in substandard conditions for little or no pay, with large debts and no legal recourse to address labor law violations. Vietnamese women and children are subjected to sex trafficking abroad; many are misled by fraudulent labor opportunities and sold to brothel operators on the borders of China, Cambodia, and Laos, and in other Asian countries, including Thailand, Malaysia, Republic of Korea, Taiwan, and Singapore. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—mostly to China and increasingly to Malaysia and Singapore—are subjected to domestic servitude or forced prostitution. False advertising, debt bondage, passport confiscation, and threats of deportation are tactics commonly used to compel Vietnamese victims into servitude. Traffickers increasingly use the internet, gaming sites, and social media to lure potential victims into vulnerable situations; for example, men entice young women and girls with online dating relationships and persuade them to move abroad then subject them to forced labor or sex trafficking. Victims are recruited by relatives, acquaintances, or neighbors, often with the knowledge, consent, or persuasion of close family members. Vietnamese organized crime networks recruit, under pretenses of lucrative job opportunities, and transport Vietnamese, including children, to Europe—particularly the United Kingdom—and subject them to forced labor on cannabis farms.

Within the country, Vietnamese men, women, and children—particularly street children and children with disabilities—are subjected to forced labor, although little information is available on these cases. Children are subjected to forced street hawking and begging in major urban centers of Vietnam. Some children are subjected to forced and bonded labor in informal garment and brick factories or urban family homes and privately run rural gold mines. Many children from impoverished rural areas, and a rising number from middle class and urban dwellings, are subjected to sex trafficking. Child sex tourists, reportedly from Asia, the United Kingdom, Australia, Europe, Canada, and the United States, exploit children in Vietnam. Although a 2014 legal provision requires a judicial proceeding before detention of drug users in compulsory drug rehabilitation centers and restricts to three hours detainees' maximum work day, some drug users detained administratively under the previous legal provision were subjected to forced labor in rehabilitation centers. NGOs report some complicit Vietnamese officials, primarily at commune and village levels, facilitate trafficking or exploit victims by accepting bribes from traffickers, overlooking trafficking indicators, and extorting profit in exchange for reuniting victims with their families.

The Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Vietnam amended its penal code to

bring its anti-trafficking law closer to international standards, but the changes were not in effect at the close of the reporting period. The government convicted fewer traffickers in 2015 and, although it initiated investigations, it did not pursue criminal prosecutions for forced labor. The government continued to provide anti-trafficking training for officials and develop interagency cooperation; however, many officials lacked the skills to identify victims or to investigate labor trafficking cases. The government continued to subject to forced labor some individuals administratively detained in drug rehabilitation centers. Vietnamese officials abroad assisted with the return of an unknown number of trafficking victims in 2015 and worked with NGOs to help repatriate victims from China. Vietnam entered into memoranda of understanding with 11 primary destination countries and updated its agreement with Malaysia to ban the practice of employers retaining employees' passports. NGOs report border officials in high-risk trafficking areas increased their engagement to investigate trafficking cases.



## RECOMMENDATIONS FOR VIETNAM:

Fully enact and implement articles 150 and 151 of the new penal code, which amend articles 119-120 of the current penal code, to vigorously prosecute all forms of trafficking and convict and punish traffickers, especially in cases involving forced labor or complicit officials; continue to strengthen and actively monitor labor recruitment companies and enforce regulations prohibiting the imposition of recruitment fees; fully implement plans to train officials on implementation of the amendments to the penal code, with a focus on identifying and investigating forced labor and internal trafficking cases; cease the practice of subjecting Vietnamese drug users to forced labor in government-run rehabilitation centers; implement policies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in prostitution, and child laborers, and train relevant officials on these procedures; expand training for consular officials on worker rights and international labor standards; support efforts of international organizations or other stakeholders to research and report on trafficking trends in Vietnam, including the public release of findings; finalize the database on trafficking statistics and disseminate information at the national level; improve interagency cooperation on anti-trafficking efforts in order to effectively implement the national plan of action and ensure sufficient resources are dedicated to the plan; develop programs that reduce stigma and promote reintegration of trafficking returnees; implement anti-trafficking campaigns directed at reducing child sex tourism; and ratify and fully implement the Association of Southeast Asian Nations (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).

## PROSECUTION

The government demonstrated uneven law enforcement efforts; it made progress in reforming its anti-trafficking legal framework, but obtained fewer convictions. Vietnam's 2012 anti-trafficking law expanded articles 119 and 120 of the country's penal code to define and criminalize sex and labor

trafficking; however, these articles do not prohibit all forms of trafficking, and labor trafficking provisions in the 2012 anti-trafficking law have not been applied in prosecutions due to a lack of awareness. In November 2015, the National Assembly passed a new penal code that included articles 150-151 on human trafficking, which amended articles 119 and 120 of the anti-trafficking law by describing most of the acts, means, and purposes of trafficking included in the international definition and more clearly defining the prescribed penalties and aggravating factors. The amended articles do not require the means of force, fraud, or coercion for trafficking anyone younger than 16 years of age, but the no means requirement should apply to anyone 18 years of age or younger, to be consistent with the international definition. However, penal code articles 150-151 were not yet legally in effect at the end of the reporting period. Based on the severity of the crime, anti-trafficking law articles 119-120 prescribe punishments ranging from two to 20 years' and three years' to life imprisonment, respectively, and impose fines on traffickers ranging between five and 50 million Vietnamese dong (\$450-\$4,450); these punishments are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In 2015, the government made modest progress on the development of a nationwide computer database—launched in 2014—to track trafficking cases. Although in its nascent stage, the database improved the accuracy of trafficking statistics; however, discrepancies persisted in interagency data on anti-trafficking law enforcement and victim identification.

The government arrested 544 suspected traffickers. It prosecuted 442 and convicted 217 trafficking offenders (under anti-trafficking law articles 119 or 120), compared with 472 prosecutions and 413 convictions in 2014. Sentences ranged from probation to life in prison. Authorities did not report how many cases involved sex or labor trafficking or how many were for internal or transnational trafficking. Because the penal code does not specifically criminalize labor trafficking, officials lacked confidence in a legal basis to prosecute labor trafficking and treated such cases as administrative violations under the country's labor laws, which do not prescribe criminal penalties. Labor officials suspended the licenses of a few companies, mandated companies implement required pre-departure training for laborers, and conducted inspections based on labor complaints but largely left labor recruitment companies to resolve individual contract disputes with workers over fraudulent recruitment and conditions indicative of forced labor. The government sent interagency delegations to participate in joint investigations on an ad hoc basis in Cambodia, China, Kazakhstan, Laos, Poland, Russia, Singapore, Thailand, and the United Kingdom, and more routinely in China, Cambodia, and Laos for rescue operations.

A lack of coordination across provincial agencies impeded overall law enforcement in Vietnam, and budget constraints precluded some local authorities from pursuing trafficking cases, especially when they occurred in isolated parts of the country. In addition, some officials' poor understanding of the anti-trafficking legal framework resulted in uneven law enforcement efforts. Police included a module on anti-trafficking in its overall training for new recruits. The government organized 20 anti-trafficking training sessions for more than 500 interagency officials. The Ministry of Public Security partnered with Australian authorities to conduct an anti-trafficking training for 26 Vietnamese police from jurisdictions across Vietnam. Some complicit officials, primarily at commune and village levels, accepted bribes from traffickers, overlooked trafficking indicators, and extorted profit in exchange for reuniting victims with their families. The



government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

## PROTECTION

The government maintained modest efforts to protect victims. In 2015, authorities identified 1,000 potential trafficking victims—a slight decline from 1,031 the previous year—but did not report how many were subjected to sex or labor trafficking, how many were adults or children, or how many were exploited in Vietnam or abroad. Victim identification and referral mechanisms remained inadequate throughout the country. The government had a formal procedure for victim identification that it did not proactively or widely employ to identify victims among vulnerable groups, such as women arrested for prostitution, migrant workers returning from abroad, and child laborers. It also did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards' unfamiliarity with trafficking crimes and a lack of interjurisdictional cooperation, in addition to the large number of victims who self-identified, were returned via unofficial border crossings, or lacked identification documentation. Officials continued to conflate trafficking with smuggling, which precluded the identification of victims who voluntarily migrated abroad.

In 2015, the Ministry of Labor, Invalids, and Social Affairs (MOLISA) provided protection, repatriation, and reintegration support to 650 trafficking victims, compared with 668 the previous year. Although protection services remained variable by location, the majority of victims received vocational training, healthcare, legal aid, shelter, counseling, and financial allowances. Authorities did not report how many victims used the one-time government cash subsidy—up to 1.5 million dong (\$65). MOLISA continued operating 400 social protection centers through local authorities, which provided services to a wide range of vulnerable groups, including trafficking victims; these centers were unevenly staffed and resourced and lacked appropriately trained personnel to assist victims. The Vietnam Women's Union, in partnership with NGOs and with foreign donor funding, continued to operate three shelters in urban cities, one of which was trafficking-specific. There are no shelters designated exclusively for male or child victims, though existing shelters provided assistance to all victims as needed.

Vietnam maintained labor attaches at its embassies in nine countries with large numbers of documented Vietnamese migrant workers; however, some Vietnamese diplomatic personnel reportedly lacked sufficient training to adequately assist victims. In an unknown number of repatriation cases, Vietnamese diplomatic missions provided basic provisions, transportation, and healthcare to Vietnamese nationals subjected to trafficking abroad. The government encouraged trafficking victims to assist in judicial proceedings against traffickers and offered them some protection and compensation; however, the extent to which these measures were applied remained unknown. Vietnamese law protects victims from being prosecuted for actions taken as a consequence of being subjected to trafficking; however, because officials are not properly trained in identification techniques, some may have treated some victims as criminals. NGOs reported victims expressed trepidation in returning to Vietnam—particularly without proper documentation—given the endemic social stigma attached to being a victim, dread of retribution in their local communities, and fear of punishment for illegal acts committed as a result of being subjected to trafficking. The government did not offer foreign victims legal alternatives

to their removal to countries where they faced retribution or hardship.

## PREVENTION

The government increased efforts to prevent trafficking. During the reporting period, the government approved a four-year (2016-2020) national anti-trafficking action plan to address forced labor, improve victim services, and implement the revised anti-trafficking penal code; however, it did not endorse a specific budgetary allotment to implement the plan. The government continued to develop its national database on trafficking statistics, which commenced operation during the previous year. In 2015, officials supported anti-trafficking awareness campaigns by partnering with national and local media outlets to conduct radio and television stories, publish news articles, and disseminate fliers on trafficking. The government conducted workshops and hosted community dialogues on vulnerabilities to labor trafficking, targeting areas prevalent with foreign contract labor. It also organized theatrical performances and social events in high-risk provinces to warn vulnerable populations of the risks of trafficking for women entering brokered marriages abroad. The government fully suspended two labor recruitment companies for labor export law contraventions and suspended three companies from recruiting workers to Saudi Arabia; it initiated 23 criminal investigations against 27 unlicensed organizations after observing indicators of labor trafficking. During the year, Vietnam entered into memoranda of understanding with 11 primary destination countries and updated its agreement with Malaysia to ban the practice of employers retaining employees' passports. The pre-departure fee and deposit system for Vietnamese migrant workers—ranging from 6.5-65 million dong (\$585-\$5,850)—could have decreased the debt burden experienced by some workers if scrupulously enforced; however, this scheme may have increased overseas workers' vulnerability to debt bondage if recruiters charged in excess. The government made tangible efforts to reduce the demand for commercial sex acts during the reporting year by conducting raids at unscrupulous establishments notorious for prostitution and prostitution brokering. It provided anti-trafficking training for its diplomatic personnel.

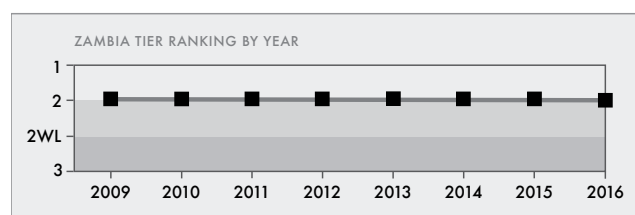
## ZAMBIA: Tier 2

Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking occurs within the country's borders and involves women and children from rural areas exploited in cities in domestic servitude or forced labor in agriculture, textile production, mining, construction, small businesses such as bakeries, and forced begging. Zambian children may be forced by *jerabo* gangs engaged in illegal mining to load stolen copper ore onto trucks in Copperbelt Province. While orphans and street children are most vulnerable, children of affluent village families are also at risk of trafficking because sending children to the city for work is perceived to confer status. Zambian boys and girls are exploited in sex trafficking by truck drivers in towns along the Zimbabwean and Tanzanian borders and by miners in Solwezi. Zambian boys are subjected to sex trafficking in Zimbabwe and women and girls are subjected to sex trafficking in South Africa. Domestically, extended families and trusted family acquaintances facilitate trafficking.

Women and children from neighboring countries are exploited in forced labor or sex trafficking in Zambia. Nationals from

South and East Asia are exploited in forced labor in textile factories, bakeries, and Chinese-owned mines. Chinese traffickers bring in Chinese women and girls for sexual exploitation in brothels and massage parlors in Lusaka; traffickers use front companies posing as travel agencies to lure Chinese victims and coordinate with Zambian facilitators and middlemen. Southeast Asians who transit Zambia are subjected to forced labor in construction in South Africa by South African criminal groups. Potential trafficking victims from Ethiopia, Democratic Republic of the Congo, and Syria were identified in Zambia.

The Government of Zambia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government investigated 13 cases, nine of which were prosecuted, and five of these cases resulted in convictions. The government identified 192 potential trafficking victims during the reporting period, but it was unclear how many of these victims received protective services. The government did not improve the condition of its shelters and lacked means to shelter male victims of trafficking. The government's minimal budget for anti-trafficking efforts severely limited its capacity to provide services to victims. The anti-trafficking inter-ministerial committee did not meet during the reporting period. In addition, limited training provided for investigators, police, prosecutors, magistrates, and judges on human trafficking continued to hamper the government's anti-trafficking law enforcement efforts. Although the government investigated cases involving victims from neighboring countries, it did not investigate more organized trafficking operations involving foreign companies or address internal trafficking, including forced child labor and domestic servitude.



## RECOMMENDATIONS FOR ZAMBIA:

Amend the 2008 anti-trafficking act to use a broad definition of trafficking that does not rely on evidence of movement, but rather focuses on exploitation; amend the trafficking law to enable prosecution of child sex trafficking without an element of force, fraud, or coercion; increase resources for victim services, including to expand the availability of shelters and ensure alternative services are available for male victims; investigate and prosecute internal sex and labor trafficking cases involving both children and adults; train police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes; increase the number of labor inspectors and ensure they are trained on trafficking indicators; formalize and implement victim identification and referral procedures, and train law enforcement and social welfare officials on their use, including in vulnerable populations; improve coordination among service providers to prevent detention of male victims; compile and share information on trafficking cases and trends; strengthen coordination and collaboration efforts between relevant ministries; and develop and adopt an updated multi-year national anti-trafficking strategy and action plan and continue to conduct public awareness campaigns.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts, initiating nine prosecutions in 2015, compared with four prosecutions in 2014. The anti-trafficking act of 2008 criminalizes some forms of trafficking; contrary to international law, it requires the use of threat, force, intimidation, or other forms of coercion for a child to be considered a sex trafficking victim. The act prescribes penalties ranging from 20 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.

The government investigated 13 potential trafficking cases, in comparison with five cases the previous year. It initiated prosecution of nine traffickers, compared with four the previous year, and convicted five traffickers. A majority of the trafficking cases investigated involved cross-border crimes; the government did not investigate internal cases involving Zambian children exploited in prostitution and domestic servitude or in forced labor in the Zambian mining and agricultural sectors. In one case, the government convicted and sentenced a Congolese man to 18 months' imprisonment for the exploitation of five children in forced labor in Australia; the government recommended review by High Court for a sentence longer than 10 years. Officials rarely investigated forced child labor offenses or cases in which victims were not moved across borders; the Ministry of Labor and Social Security (MLSS) Child Labor Unit used mediation with parents as the usual process for handling child labor cases. The government had limited capacity to monitor the mining and agricultural sectors and did not investigate or prosecute companies for labor trafficking in these sectors; allegedly, large or foreign companies and foreign governments exerted influence over officials, preventing investigations. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

The national police academy trained an unknown number of officials on the 2008 anti-trafficking act, case investigation techniques, and procedures to identify and protect victims. The government maintained a database to track trafficking case data. The government continued its partnerships in the region through routine coordination of anti-trafficking efforts with Zimbabwe and South Africa during the reporting period.

## PROTECTION

The government made minimal efforts to assist victims. It was unclear whether the victims identified were victims of trafficking, as officials often conflated cases of smuggling and trafficking, and it did not increase its capacity to adequately protect victims. The government identified 192 potential trafficking victims during the reporting period. It provided modest in-kind support and otherwise relied on international organizations and local NGOs to provide the majority of victim care. The government allocated 50,000 kwacha (\$4,500) for its anti-trafficking budget, as in the previous reporting period.

Officials and service providers used standard procedures to identify trafficking victims among vulnerable populations, such as migrants and unaccompanied minors. The government expanded its national referral mechanism to provide for vulnerable migrants, including asylum-seekers, refugees, unaccompanied and separated children, stranded migrants, and stateless persons. The Ministry of Community Development, Mother and Child Health (MCDMCH) oversaw the placement

of victims in NGO shelters and continued to provide in-kind assistance. Government officials, in partnership with international organizations, offered routine assistance to victims, including medical care, counseling, court preparation, and repatriation or regularization of immigration status; however, it was unclear how many victims benefited from these services during the year. The Department of Immigration, in partnership with an international organization, trained officers at ports of entry to identify and interview potential victims of trafficking. The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; however, it is unclear how many victims received such assistance in 2015.

The government did not increase the availability of shelter options and government agencies and NGOs reported a lack of resources to establish or upgrade additional shelters in 2015. Government and NGO shelters lacked sufficient capacity to serve victims, especially men. The MCDMCH operated a 40-person shelter in Luapula province, and oversaw two NGO shelters. MCDMCH's planned construction of a new shelter in Kapiri Mposhi, a central transit point, which was planned to start in 2013, remained incomplete for the third consecutive year. NGO shelters did not provide accommodation for male victims older than age 12. As a result of the lack of shelter availability and resources, it was not uncommon for the government to house victims, including children, in jail for short periods.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. It did not host a fifth National Symposium on Human Trafficking during the reporting period, which in the prior four years focused on protecting migrants from trafficking and exploitation. The government did not review or update the 2012-2015 national action plan to combat trafficking. The national secretariat and an inter-ministerial committee were ineffective in their oversight of national anti-trafficking efforts, as overall prevention efforts decreased and prior annual engagements were not upheld during the reporting period. The anti-trafficking inter-ministerial committee did not meet during the reporting period. In collaboration with an international organization, the Ministry of Community Development and Social Services (MCDSS) launched an awareness-raising campaign called "Safe Migration: My Right, My Responsibility," aimed at capacity building for district stakeholders in Chipata, Livingstone, Chilalabombwe, Nakonde, and Sesheke in order to assist in the identification of trafficking victims. Additionally, MCDSS provided anti-trafficking training to 80 officials through the production of radio messages to highlight and raise awareness of the indicators of human trafficking at community radio stations in Eastern, Copperbelt, Central, Southern, and Lusaka Provinces.

During the year, MLSS did not employ any labor inspectors due to funding constraints, a significant decrease compared to 58 labor officers employed the previous year and 108 in 2013, leaving the number of inspectors inadequate and inefficient in identifying potential labor trafficking cases. MLSS officials regulated fees paid by workers to recruitment agencies to screen for exploitative labor recruitment practices. In 2013, the government began a review of the employment act to determine how best to address potential abuses in the informal sector, including domestic service, that are not adequately covered under the current law; the review remained incomplete. The government did not make efforts to reduce the demand for commercial sex or forced labor. Zambian peacekeepers

received anti-trafficking training on how to identify and protect potential trafficking victims. The government did not provide anti-trafficking training for its diplomatic personnel.

## ZIMBABWE: Tier 3

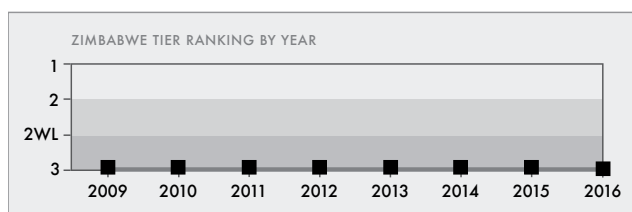
Zimbabwe is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia are subjected to forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the borders. There are continuous reports of Zimbabwean women lured to China and the Middle East for work where they are vulnerable to trafficking. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in the country's rural areas, as well as domestic servitude and sex trafficking in cities and surrounding towns. Family members recruit children and other relatives from rural areas for work in cities where they are often subjected to domestic servitude or other forms of forced labor; some children, particularly orphans, are lured with promises of education or adoption. Reports indicate that adults have recruited girls for child sex trafficking in Victoria Falls. Children are subjected to forced labor in the agricultural and mining sectors and are forced to carry out illegal activities, including drug smuggling. There were increased reports of children from Mozambique being subjected to forced labor in street vending in Zimbabwe, including in Mbare. Additionally, the practice of *ngozi*, giving a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking.

Zimbabwean women and men are lured into exploitative labor situations in agriculture, construction, information technology, and hospitality largely in neighboring countries; some subsequently become victims of forced labor, and some women become victims of forced prostitution. Many Zimbabwean adult and child migrants in South Africa often enter with the assistance of taxi drivers who transport them to the border at Beitbridge or nearby unofficial crossing locations and are subject to labor and sex trafficking. Some of the migrants are transferred to criminal gangs that subject them to abuse, including forced prostitution in Musina, Pretoria, Johannesburg, or Durban. Some Zimbabwean men, women, and children in South Africa are subjected to months of forced labor without pay, on farms, at construction sites, in factories, mines, and other business. Men, women, and children, predominantly from East Africa, are transported through Zimbabwe en route to South Africa; some of these migrants are trafficking victims. Refugees from Somalia and Democratic Republic of the Congo reportedly travel from Zimbabwe's Tongogara Refugee Camp to Harare, where they are exploited and, in some cases, forced into prostitution. Chinese nationals are reportedly forced to labor in restaurants in Zimbabwe. Chinese construction and mining companies reportedly employ practices indicative of forced labor, including verbal, physical, and sexual abuse, and various means of coercion to induce work in unsafe or otherwise undesirable conditions.

The Government of Zimbabwe does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Official complicity in trafficking crimes remained a concern. The government made minimal efforts to protect trafficking victims, instead relying on NGOs to identify and assist victims. The government made limited



efforts to collaborate with NGOs on the issue of trafficking. The government began investigation into the trafficking of 200 women to Kuwait during the reporting period; however it did not prosecute or convict any trafficking offenders during the reporting period. The government appointed the permanent secretary of home affairs to chair the Anti-Trafficking Inter-Ministerial Committee (ATIMC) in December 2015. It developed its first national action plan in September 2015, which remained pending cabinet approval at the end of the reporting period.



## RECOMMENDATIONS FOR ZIMBABWE:

Amend the 2014 anti-trafficking legislation to incorporate a definition of trafficking consistent with the 2000 UN TIP Protocol; investigate, prosecute, and convict trafficking offenders, including complicit government officials; formalize procedures for identifying victims and referring them to the care of appropriate government or non-government service providers; train officials on victim identification and referral procedures; establish and actively promote collaboration with Zimbabwe-based international officials on issues of trafficking; train the judiciary, including prosecutors and judges, on trafficking and trafficking related legislation; provide financial or in-kind support to NGOs and international organizations that provide victim services; implement, and allocate sufficient resources to, the national action plan to combat trafficking; fully implement and use the Southern African Development Community database to track trafficking cases; increase collaboration with NGOs and international organizations; and raise awareness of human trafficking and the availability of assistance for victims.

## PROSECUTION

The government made little anti-trafficking law enforcement effort. Inconsistent with international law, the 2014 Trafficking in Persons Act defines trafficking in persons as a movement-based crime and does not adequately define “exploitation”—a key element of effective trafficking laws generally defined under international law as forced prostitution or other forms of forced labor. The 2014 act criminalizes the involuntary transport of a person, and the voluntary transport for an unlawful purpose, into, outside or within Zimbabwe. The focus on transport and the inadequate definition of “exploitation” leave Zimbabwe without comprehensive prohibitions of trafficking crimes. Zimbabwe’s Labor Relations Amendment Act prohibits forced labor and prescribes punishments of up to two years’ imprisonment; this penalty is not sufficiently stringent. The Criminal Law (Codification and Reform) Act prohibits and prescribes penalties of up to two years’ imprisonment for procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe; this penalty is not sufficiently stringent when applied to cases of sex trafficking. The act also prohibits coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years’ imprisonment. Pledging a female for forced marriage to compensate for the death of a relative or to settle any debt or obligation is punishable under the act, with penalties of up to two years’ imprisonment. These

penalties are not commensurate with penalties prescribed for other serious crimes, such as rape.

The government reported investigating a case of over 200 trafficking victims identified in Kuwait; however, the government did not vigorously prosecute, or convict any trafficking offenders during the reporting period. The Zimbabwe Republic Police’s Victim Friendly Unit (VFU) has responsibility for investigating cases involving women and children and referring victims to support services; however, the VFU did not report investigating trafficking cases during the year.

Corruption in law enforcement and the judiciary impaired the effectiveness of anti-trafficking efforts. Victims reportedly refused to report or pursue cases of trafficking due to fear their traffickers could bribe police or judges. Anecdotal evidence indicated limited government involvement in, and tolerance of, trafficking on a local level and at border crossings. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. In October 2015, in partnership with an international organization, the government participated in a training of trainers for over 50 provincial criminal justice officials on the 2014 Trafficking in Persons Act, how to identify and investigate trafficking cases, and measures for assisting trafficking victims.

## PROTECTION

The government made inadequate efforts to protect trafficking victims, and did not report the total number of trafficking victims it identified or assisted during the reporting period. The government has not developed formal guidelines to proactively identify or refer victims to protective services, and it relied almost exclusively on NGOs and an international organization to identify and assist victims. One NGO reported assisting 280 child victims of forced labor subjected to domestic servitude. Reports indicated that 39 victims of sex trafficking, including children, sought assistance. An NGO reported assisting 11 children exploited in street begging. Additionally, an estimated 200 trafficking victims were identified through the use of social media in Kuwait during the period. While the Trafficking in Persons Act required the government to establish centers in each of Zimbabwe’s 10 provinces to provide counseling, rehabilitation, and reintegration services for trafficking victims, these centers had not been established at the end of the reporting period. Five existing government shelters offered long-term accommodation to vulnerable and orphaned children, including an unknown number of potential child trafficking victims. Children had access to health services, counseling, and some educational services at these shelters. The government may have detained and deported potential trafficking victims due to a lack of proactive victim identification procedures. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they might face retribution or hardship.

## PREVENTION

The government made minimal efforts to prevent trafficking. The government appointed the permanent secretary of home affairs to chair the ATIMC in December 2015. ATIMC met twice and led the development of the country’s first national action plan in September 2015, which was pending cabinet approval by the end of the reporting period. The national action plan provides for a review of the current anti-trafficking legal framework. The government did not conduct public awareness

campaigns during the reporting period. The government provided anti-trafficking training to its diplomatic personnel. It did not make efforts to reduce the demand for commercial sex acts or forced labor.

## SPECIAL CASE: LIBYA

Libya is a Special Case. The Presidency Council of the Libyan Government of National Accord (GNA)—created through the Libyan Political Agreement signed in December 2015 and endorsed by the legislature in January 2016—did not arrive in the capital Tripoli until late March 2016. Before the GNA Presidency Council entered Tripoli, the Libyan government that had been in place since April 2015 and was appointed by the House of Representatives had been based in the eastern city of Bayda and operated without access to or control over Tripoli. During that period, competing factions, none of which had been elected or appointed by a legislature, operated in Tripoli under the self-convened “National Salvation Government.” Extralegal armed groups continued to fill a security vacuum across the country; such groups varied widely in their makeup and the extent to which they were under the direction of state authorities, and they committed human rights abuses, including unlawful killings. Before the formation of the GNA Presidency Council, the Bayda-based government that had been in place had failed to control such groups, including those groups nominally under state control. At the close of the reporting period, the GNA Presidency Council was only beginning to establish effective control over armed groups.

### SCOPE AND MAGNITUDE

Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and sex trafficking, and there are reports of children being subjected to recruitment and use by armed groups within the country. Due to widespread insecurity driven by militias, civil unrest, and increased lawlessness in Libya that continued to worsen in 2015, accurate information on human trafficking became increasingly difficult to obtain—in part due to the withdrawal of most diplomatic missions, international organizations, and NGOs in 2014. Since 2013, numerous reports indicate militias, some of which are used as combat forces or security enforcement by the government, recruit and use Libyan children younger than the age of 18. Trafficking victims or those vulnerable to trafficking, such as foreign migrants, are also vulnerable to increased violence in Libya, including torture, abduction for ransom, physical and sexual assaults, arbitrary killings, and inhumane detention. For example, there were multiple reports of migrants—some of whom may be trafficking victims—being held in detention centers, including those controlled by government-aligned authorities as well as non-state armed groups, where they were subject to overcrowding, torture, and denial of medical care.

Migrants seeking employment in Libya as laborers or domestic workers or who transit Libya en route to Europe are highly vulnerable to trafficking. Trafficking networks reaching into Libya from Niger, Nigeria, Chad, Eritrea, Ethiopia, Somalia, Sudan, and other sub-Saharan states subject migrants to forced labor and forced prostitution through fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. One 2014 account indicated criminal groups recruited Sudanese migrants to Libya through false job offers and forced them to work in

agriculture with little or no pay. In previous years, migrants paid smuggling fees to reach Tripoli, often under false promises of employment or eventual transit to Europe. Once these victims crossed the Libyan border, they were sometimes abandoned in southern cities or the desert, where they were susceptible to severe forms of abuse and human trafficking. In 2014, an international organization reported Syrian nationals temporarily residing in Sudan preferred to travel through Libya en route to Italy with the use of smugglers; these Syrians are at risk of trafficking. Prostitution rings reportedly subject sub-Saharan women to sex trafficking in brothels, particularly in southern Libya. Nigerian women are at heightened risk of being forced into prostitution, while Eritreans, Sudanese, and Somalis are at risk of being subjected to forced labor in Libya. In February 2015, the media reported a Russian trafficking network brought hundreds of Bangladeshi nationals via Libya to Italy, where they subsequently endured forced labor. Private employers in Libya mobilize detained migrants—from prisons and detention centers, including those ostensibly under the control of the Bayda-based government—for forced labor on farms or construction sites; when the work is completed or the employers no longer require the migrants’ labor, employers return them to detention.

### GOVERNMENT EFFORTS

The Bayda-based government, which was formed in September 2014 and recognized by much of the international community until its mandate expired in October 2015, demonstrated limited political will and limited capacity to address basic security challenges, including human trafficking, as it struggled to control a significant amount of Libya’s territory. The lack of rule of law hindered police and judicial officials’ efforts to addressing trafficking crimes; the Bayda-based government also did not exercise control over many migrant prisons and detention facilities where human trafficking crimes continued to take place. Libyan law does not prohibit all forms of human trafficking. Articles in the penal code prohibit trafficking of women for the purposes of prostitution, sexual exploitation, slavery, and child sex trafficking; however, the articles do not directly address forced labor. Sex trafficking offenses carry penalties of one to 10 years’ imprisonment, which are sufficiently stringent but not commensurate with other serious crimes, such as rape; penalties for rape range from five to 15 years’ imprisonment. Penalties for slavery offenses are five to 15 years’ imprisonment, which are sufficiently stringent and commensurate with other serious crimes. As the criminal judicial system was not functioning throughout the reporting period, the government did not investigate, prosecute, or convict any trafficking offenders in 2015. It also did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes, despite allegations of complicity. For example, the government did not investigate or punish officials in state prisons and migrant detention centers where trafficking crimes allegedly occurred; however, it was unclear if these facilities were under the control of a legitimate central authority. Furthermore, the government did not make efforts to investigate or punish government-aligned militias or other armed groups that recruited and used child soldiers. The government did not provide anti-trafficking training for officials.

The Bayda-based government did not have any policy structures, capacity, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants and women and girls in prostitution. It also did not have measures in place to protect children recruited and used by militia groups, including those aligned with the government,

and other armed groups. The government did not protect victims from punishment for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations; victims were treated as illegal migrants and therefore subjected to detention and fines. Furthermore, authorities made no effort to protect detained foreign migrants, who continued to be sold into forced labor. As Libya's criminal courts largely ceased to function during the reporting period, the government did not encourage victims to participate in the investigation and prosecution of traffickers. It did not provide foreign trafficking victims with legal alternatives to their removal to countries where they faced hardship or retribution.

The Bayda-based government lacked the institutional capacity, resources, and political will to prevent human trafficking. The government did not have a national coordinating body responsible for combating human trafficking. The government did not conduct any public anti-trafficking awareness campaigns, nor did it take actions to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. While regulations prohibited the recruitment and use of child soldiers, the government took no steps to prevent the recruitment and use of children by militia groups, groups affiliated to or aligned with the government, and other armed groups operating throughout the country.

## SPECIAL CASE: SOMALIA

Somalia remains a Special Case for the fourteenth consecutive year. During the reporting period, the Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and regional governments retained control over most local capitals across the country. The self-declared independent Republic of Somaliland and semi-autonomous Federal State of Puntland retained control of security and law enforcement in their respective regions. The federal government had limited influence outside Mogadishu; the al-Shabaab terrorist group continued to occupy rural areas in south-central Somalia. The FGS focused on capacity-building and securing Mogadishu and government facilities from attacks by al-Shabaab. The African Union Mission in Somalia (AMISOM) conducted military operations in 2015 to recover al-Shabaab-controlled territory; however, its efforts were countered by increased attacks on security forces by the terrorist organization. Military courts adjudicated serious cases, including those related to terrorism, and tried many civilian cases. The government had minimal capacity to address most crime, including human trafficking, and thereby yielded negligible efforts in all regions on prosecution, protection, and prevention. Somali officials also lacked an understanding of trafficking crimes, which they often conflated with migrant smuggling.

### SCOPE AND MAGNITUDE

Somalia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Information regarding trafficking in Somalia remains extremely difficult to obtain or verify. Victims may move from Somalia's southern and central regions to Puntland and Somaliland in the north. In Somaliland, women act as recruiters and intermediaries transporting victims further, to Puntland, Djibouti, and Ethiopia for domestic servitude or sex trafficking. Criminal groups formerly engaged in piracy

reportedly continue to exploit Somali women and girls in domestic and sexual servitude. Somali ethnic Bantus and Midgaan remain marginalized and are sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders. Due to poverty and an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages; some of these children may become victims of forced labor or sex trafficking. While many children work within their own households or family businesses, some children may be forced into labor in agriculture, domestic work, herding livestock, selling or portering *khat*, crushing stones, or in the construction industry. In 2014, an international NGO released a report documenting cases of sexual abuse and exploitation of Somali women and girls, including trafficking, by Ugandan and Burundian AMISOM personnel. An African Union investigation into the allegations concluded there was evidence of sexual exploitation and abuse by AMISOM personnel.

Internally displaced persons (IDPs) remain vulnerable to sex and labor trafficking. "Gatekeepers" in control of some IDP camps, at times allegedly in collusion with Somali officials, reportedly force girls and women to provide sex acts in exchange for food and services available within the camps. They continue to charge rent or fees for otherwise-free basic services and sell the area they control within a camp to other "gatekeepers," establishing a cycle of debt for IDPs that makes them vulnerable to inherited bondage. Traffickers and smugglers reportedly take advantage of the vulnerability of IDP women and children, mostly from southern and central Somalia, at times using false promises of lucrative jobs in Europe and North America.

According to international organizations, during the reporting period Somaliland and Puntland experienced an influx of approximately 30,000 migrants and refugees, and Somali national returnees fleeing conflict in war-torn Yemen. Although no reliable statistics are available, Ethiopian economic migrants, mostly from the Oromia region of Ethiopia continued transiting Somalia en route to Libya, Sudan, and Europe during the reporting period. Women and girl migrants working in the informal economy were particularly vulnerable to trafficking.

Traffickers transport Somali women, sometimes via Djibouti, to the Middle East, where they frequently endure domestic servitude or forced prostitution. Somali men experience conditions of forced labor as herdsmen and workers in the Gulf States. Traffickers transport children to Saudi Arabia and force them to beg on the streets. Dubious employment agencies facilitate human trafficking by targeting individuals desiring to migrate to the Gulf States or Europe for employment. Federal government officials allegedly sell falsified travel documents to travel brokers and traffickers. NGOs and international organizations report Somalis increasingly seek to move to other African destinations, including Kenya and South Africa. Authorities in Somaliland report an increase in the transporting or kidnapping of children and unemployed university graduates, who later transit Ethiopia and Sudan and are sometimes held hostage by networks in Libya en route to Europe and the Middle East. Members of the Somali diaspora use false offers of marriage to lure unsuspecting victims, many of whom include relatives, to Europe or the United States, where they force them into prostitution or domestic servitude.

Traffickers reportedly subject Somali children fleeing al-Shabaab and seeking refuge in Kenya to forced labor or sexual exploitation. Trucks transporting goods from Kenya to Somalia



sometimes return to Kenya with young girls and women; traffickers procure these young girls and women and exploit them in brothels in Nairobi or Mombasa or send them to destinations outside Kenya. Undocumented Ethiopians in northern Somalia also remain vulnerable to trafficking as they seek employment in Puntland and Somaliland to fund subsequent travel to the Middle East. Traffickers smuggle Ethiopian women through Somalia to destinations in the Middle East, where they subsequently force them into domestic servitude and prostitution. Ethiopian children travel to Somaliland seeking employment but may instead be forced to beg on the streets. Particularly in coastal regions, some traffickers reportedly compel community elders to convince community members to travel to Europe for employment opportunities; some individuals are subjected to forced labor in Europe.

### CHILD SOLDIERS

During the year, there were continued reports of the Somali National Army (SNA), Ahlu Sunna Wal Jama'a (ASWJ), pro-Galmudug militia, and al-Shabaab using child soldiers. In 2015, the FGS reiterated its commitment to eliminating the use of child soldiers among the ranks of the SNA, and Somalia ratified the Convention on the Rights of the Child. The SNA's implementation of its action plan to curb the recruitment and use of child soldiers—signed in 2012—was limited during the reporting period, although the federal government identified regional focal points and conducted subnational trainings. Amid routine screening missions, in close coordination with UN personnel, the Child Protection Unit identified one child in the SNA's Dhagabadan Military Training Centre and 36 children were identified and separated from an integration and recruitment process in Kismayo, preventing them from joining the SNA. Authorities handed over children separated from armed groups to the UN Children's Fund or for care. The UN continued to express concerns about the arrest and detention of children including by the SNA, IJA forces, pro-Galmudug militia, and AMISOM; some of the detained children were allegedly associated with al-Shabaab. Most Somalis lacked birth certificates, and without an established birth registration system or standardized method for recruitment, verifying claims of child soldiering remained difficult. In addition, unverified reports indicated militias opposed to al-Shabaab may recruit former al-Shabaab child soldiers.

Throughout areas beyond state control, al-Shabaab frequently recruited children for use by its militias, typically through abduction or deception. The terrorist group forced recruitment at mosques, Koranic schools, and facilities for neglected children. Al-Shabaab used children for combat and other support functions in southern and central Somalia, including for planting roadside bombs and other explosive devices, serving as human shields during incursions, carrying out assassinations and suicide attacks, providing intelligence, serving as guards, and working in domestic service. Al-Shabaab also forcibly recruited young girls and exploited them in sexual servitude. The UN reported al-Shabaab recruited 258 children from April to September 2015.

### GOVERNMENT EFFORTS

Somaliland and Puntland authorities sustained minimal efforts to combat trafficking during the reporting period. Due to civil unrest and the protracted campaign to degrade al-Shabaab and establish law and order in Somalia, the FGS lacked sufficient training, resources, and capacity to effectively prosecute traffickers, protect victims, or prevent the crime. The

pre-1991 penal code (applicable at the federal and regional levels) outlaws forced labor and other forms of trafficking in persons. Article 455 prohibits and penalizes slavery, prescribing penalties of five to 20 years' imprisonment. Article 464 prohibits forced labor, prescribing penalties of six months' to five years' imprisonment. Article 457 prohibits the transferring, disposing, taking possession or holding of a person, and prescribes penalties of three to 12 years' imprisonment. All of these penalties are sufficiently stringent. Article 408(1) prohibits compelled prostitution of a person through violence or threats, prescribing penalties of two to six years' imprisonment, which is sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. The constitution, which remains provisional, prohibits slavery, servitude, trafficking, and forced labor under article 14. Article 29(6) prohibits the use of children in armed conflict. The Somali National Police remained understaffed, undertrained, and lacked capacity and the appropriate legal framework to effectively enforce the law. In 2015, the FGS did not report any information on the investigation or prosecution of trafficking crimes, at either the federal or regional level, including those involving officials alleged to be complicit in the facilitation of sex and labor trafficking.

The Puntland State administration and Somaliland possessed functioning legal systems but limited law enforcement capacity; they reported no reliable data on trafficking investigations or prosecutions during the reporting year. In Puntland, the Ministry of Women's Development and Family Affairs oversaw anti-trafficking efforts, and the police force in Garowe operated an anti-trafficking unit, though it lacked proper training. Provisions under Islamic law in Puntland criminalize the murder of smuggled or trafficked persons, prescribing penalties of between one and five years' imprisonment. Laws in Somaliland prohibit forced labor, involuntary servitude, and slavery. The Ministry of Labor and Social Affairs in Somaliland continued to oversee anti-trafficking efforts, but it was inactive during the reporting period.

No governmental entity had formal procedures to identify or refer trafficking victims. Information on FGS efforts to protect trafficking victims remained limited. Somaliland officials were overwhelmed with humanitarian cases involving ethnic Somalis, economic migrants, and illegal immigration from Ethiopia, which often hindered identification and protection of potential trafficking victims. In Puntland, international organization staff continued to train officials on victim identification and referral procedures. The FGS, Puntland, and Somaliland authorities did not provide protective services to trafficking victims and relied fully on international organizations to provide victim reintegration services. Neither the federal nor regional governments provided financial aid or in-kind support to organizations assisting victims. There were no legal alternatives to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution; however, government officials identified no foreign victims during the year. Somaliland authorities continued to work with an international organization and the Migration Response Center in Hargeisa to establish a mobile health clinic for the IDPs surrounding the Mahamed Mooge settlement and a rehabilitation center for street children. Government officials did not report data on whether any children who were exploited in prostitution or the commission of crimes on Somali territory were protected from criminal penalties under Somali law. During the reporting year, federal and regional authorities, with external assistance, oversaw the transfer of former child soldiers associated with al-Shabaab to the custody

of an international organization.

Authorities across Somalia demonstrated minimal efforts to prevent trafficking during the year. Somaliland and Puntland officials facilitated anti-trafficking public awareness efforts; however, these regional campaigns continued to conflate trafficking and smuggling and focused predominantly on economic migration. The FGS did not conduct any awareness campaigns during the reporting period. The government in Puntland established a committee to address trafficking, but it was inoperative during the reporting year. No government entity provided funding to agencies for labor inspections, and no inspectors were employed to enforce labor laws. Authorities across Somalia did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Somalia is not a party to the 2000 UN TIP Protocol.

## SPECIAL CASE: YEMEN

Yemen is classified as a Special Case for the first time in the 2016 Report. Information on human trafficking in Yemen has become increasingly difficult to obtain since March 2015 when the Republic of Yemen Government (ROYG) had to leave the country and relinquished control of substantial portions of territory. NGOs report that vulnerable populations in Yemen were at increased risk to human trafficking in 2015 due to large-scale violence driven by ongoing armed conflict, civil unrest, and lawlessness. Migrant workers from the Horn of Africa who remained in Yemen during this period suffered from increased violence, and women and children became most vulnerable to human trafficking. The limited international organizations and NGOs remaining in Yemen have been focused on providing emergency humanitarian assistance to the local population and have not had the resources to collect reliable data on human trafficking. For the purposes of this report, Yemen has special case status, as the government currently lacks control over its territory while it remains outside of Yemen in Saudi Arabia.

### SCOPE AND MAGNITUDE

Yemen is a country of origin and, to a lesser extent, transit and destination, for men, women, and children subjected to forced labor, and women and children subjected to sex trafficking. The ongoing conflict, lack of rule of law, and deteriorating economy in 2015 disrupted some trafficking patterns and exacerbated others. Some Yemeni children, mostly boys, were subjected to forced labor in domestic service, small shops, or in begging after migrating to the cities of Aden and Sana'a or to Saudi Arabia and, to a lesser extent, Oman. Traffickers, security officials, and employers also forced some of these children into prostitution in Saudi Arabia, while others are forced to smuggle drugs into Saudi Arabia.

Prior to the conflict, Yemen was a transit point and destination for the sex-trafficking and forced labor of women and children, primarily from the Horn of Africa, and likely remains as such presently. Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in other Gulf countries, but some women and children among this population faced potential sex trafficking or domestic servitude in Yemen. Others migrated based on fraudulent offers of employment as domestic workers in Yemen, where they were subsequently subjected to sex trafficking or forced labor. Some female refugees were previously

forced into prostitution in Aden and Lahj governorates. Prior to the escalation of the conflict and the government's departure in March 2015, Yemeni migrant workers were reportedly deported from Saudi Arabia and returned to Yemen through the al-Tuwail and al-Buq border crossings. Most deportees were reportedly returned to the impoverished Tihamah region located on the west coast of Yemen, many of whom remained displaced and highly vulnerable to exploitation, including human trafficking. An estimated 12,000 Syrian refugees were in Yemen at the end of 2015. Syrian refugee women and children begging in the streets in Yemen became highly vulnerable to forced labor and sex trafficking.

Yemeni children were subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 years old were exploited for commercial sex in hotels and clubs in the Governorates of Sana'a, Aden, and Taiz. Prior to the conflict, most child sex tourists in Yemen were from Saudi Arabia, with a smaller number originating from other Gulf nations, including the United Arab Emirates. Some Saudi men used legally contracted "temporary marriages" for the purpose of sexually exploiting Yemeni girls—some reportedly as young as 10 years old, and some of whom were later abandoned on the streets of Saudi Arabia. Civil society organizations reported that, as a result of the dire economic situation in Yemen, particularly in the north, sex trafficking of Yemeni children increased over the past several years. In addition, some sources reported the practice of chattel slavery in which human beings are traded as property continues in Yemen. While no official statistics exist detailing this practice, a 2014 study by a human rights organization documented 190 cases of slavery in three directorates of Hajjah governorate. Sources report there could be several hundred other men, women, and children sold or inherited as slaves in al-Hodeida and al-Mahwit governorates.

### CHILD SOLDIERS

Despite a 1991 law requiring members of the armed forces to be at least 18 years of age and a May 2014 UN action plan to prevent recruitment of children into its armed forces, credible reports indicated the acceleration of recruitment of children throughout the country, due to expansion of military activity by government forces as well as Houthi, tribal, and other militias. Armed boys reportedly between the ages of 13 and 17, and as young as 10 years old, often work at checkpoints around Sana'a operated by Houthi militias and government forces. Some families supportive of Houthi rebels, including those residing in locations outside Houthi control, sent their children to the Houthi stronghold of Sa'ada in northwestern Yemen for arms training by the Houthis to serve in their militias. According to an international organization, between March 26 and April 24, 2015, armed groups recruited at least 140 children. Al-Qa'ida in the Arabian Peninsula recruited boys for combat operations against military and security forces. Yemen's security, political, and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms, and limited political will severely limit the country's capacity to end the use of child soldiers.

Prior to its departure, the Yemeni government and international NGOs estimated there were approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom are subjected to forced labor. Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict have increased their use of child soldiers. Yemeni and Saudi gangs transported African children to Saudi Arabia for the purpose of exploitation. Traffickers abused and abandoned

in Yemen some refugees and migrants from the Horn of Africa who voluntarily transited Yemen en route to Saudi Arabia and other Gulf countries. In past years, multiple NGOs reported criminal smuggling groups had built a large number of “camps” near the Yemeni-Saudi border city of Haradh, where migrants hoping to reach Saudi Arabia were held for extortion and ransom.

## GOVERNMENT EFFORTS

The government continued to face serious challenges, which severely impeded its efforts to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, a shrinking economy, limited control of much of the country, and poor law enforcement capabilities. The government made no discernible law enforcement efforts against human trafficking and exercised no control over law enforcement. The absence of a law criminalizing all forms of trafficking, as well as the government’s continued conflation of trafficking and smuggling, impeded efforts to investigate and prosecute trafficking offenders. Article 248 of the penal code prescribes up to 10 years’ imprisonment for any person who “buys, sells, or gives [a human being] as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him.” This statute’s prescribed penalty is commensurate with those prescribed for other serious crimes, such as rape; however, its narrow focus on transactions and movement does not prohibit many forms of sex trafficking and forced labor under international law. Article 161 of the Child Rights Law criminalizes the prostitution of children. While the government’s inter-ministerial National Technical Committee to Combat Human Trafficking drafted anti-trafficking legislation with the assistance of an international organization prior to its departure, Houthi rebels illegally disbanded Parliament in February 2015, and the legislation was not enacted during the reporting period.


The government did not have access to or oversight of the courts and did not report efforts to prosecute, convict, or punish trafficking offenses during the year. It made no known efforts to investigate or punish the practice of chattel slavery. In addition, the government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite numerous reports in both urban and rural areas of officials engaged in trafficking, including the domestic servitude of children and women, forced prostitution of women, and forced labor of migrant workers. Allegations persisted that local government and security officials willfully ignored trafficking crimes taking place in their areas of responsibility. Prior to the conflict, the government did not effectively enforce anti-trafficking provisions due to a lack of resources and the financial interests of the elite, many of whom allegedly supported such forms of labor.

The government did not have the access to identify and provide adequate protection services to trafficking victims among vulnerable groups, such as women in prostitution and foreign migrants. As a result, the government could not ensure trafficking victims were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking, such as prostitution or immigration violations. Despite the Ministry of Interior (MOI) Women and Children Unit’s formal standard operating procedures for proactive identification of trafficking victims, efforts to implement or train law enforcement on these procedures were suspended due to the ongoing conflict.

Further, the government did not encourage victims to assist in investigations or prosecutions of their traffickers or provide assistance to its nationals repatriated after enduring trafficking abroad. In May 2014, the government acknowledged the use of child soldiers and signed a UN action plan to end the practice; however, it did not make efforts to release child soldiers from the military or provide them with protective or rehabilitation services. Further, the government took no action in criticizing or condemning the rebel recruitment of child soldiers.

Due to its lack of access, the government made no efforts to prevent trafficking during the reporting period. A draft national strategy to combat trafficking initiated by the Ministry of Human Rights, in coordination with an international organization, remains pending. The draft included plans for raising awareness, increasing cooperation between Yemen and neighboring countries, training officials in victim identification, and instituting procedures to protect and provide assistance to victims. During the previous reporting period, the government enacted a regulation requiring MOI approval for Yemenis to marry foreigners, in an effort to reduce sex tourism among foreigners, particularly Saudis and Emiratis who “temporarily” married young Yemeni women; however, they often did this in exchange for bribes, and officials continued to provide such approval. Further, the government did not provide anti-trafficking training to its diplomatic personnel and did not make efforts to reduce the demand for commercial sex acts, forced labor, or address the problem of sex tourism more broadly. In addition, it did not provide anti-trafficking training to troops prior to their deployment abroad as part of international peacekeeping missions. Yemen is not a party to the 2000 UN TIP Protocol. Due to limited capacity and the ongoing conflict, the Yemeni government did not make efforts to implement a 2014 UN action plan to end the recruitment and use of child soldiers.





This young child, captured in Sudan and forced into slavery, displays the scars on his arms and legs that he received when his owner crucified him—nailed him to a tree—because he lost a camel.

